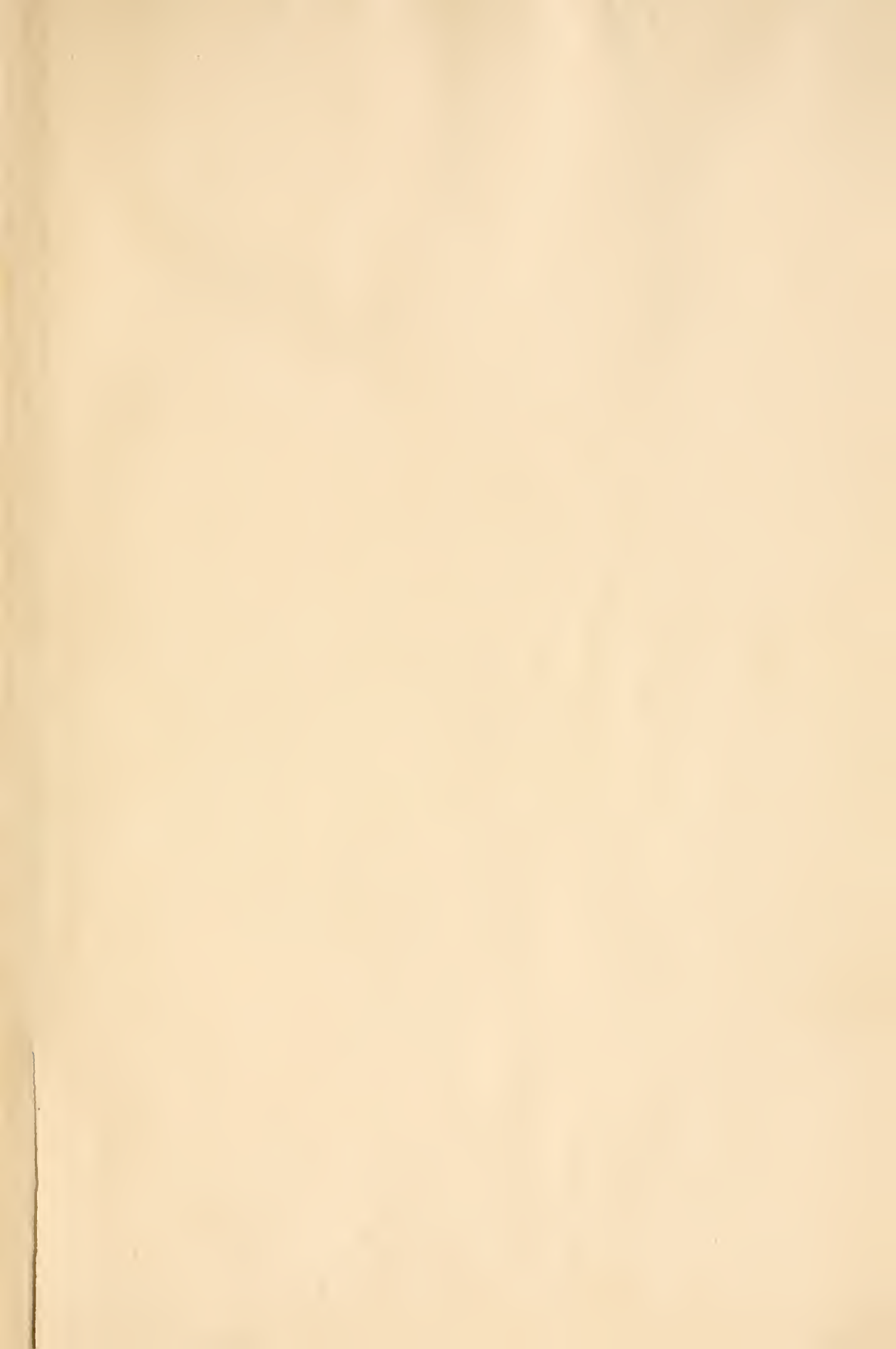






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A DEFENCE  
OF THE  
McKINLEY ADMINISTRATION  
FROM  
ATTACKS OF MR. CARL SCHURZ  
AND OTHER ANTI-IMPERIALISTS.

BY  
JOHN R. DOS PASSOS,  
OF THE NEW YORK BAR.

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## THE ANTI-IMPERIALISTS ANSWERED.

### I.

The Anti-Imperialists appeal to the conscience of the nation upon a question of morality.

Indictment of  
Administration  
by Anti-  
Imperialists.

They indict the President of the United States and his Administration, through Mr. Carl Schurz, of the charge of turning the "much-vaunted war of liberation into a war of conquest and criminal aggression."

They charge that "the President provoked an armed conflict with the Filipinos," and that

"we used the Filipinos as allies, and we profited from their co-operation as allies, and, in point of fact, recognized and treated them as allies so long as they could be useful to us, and that, therefore, we owed them those moral obligations which are always recognized between honorable allies."

And, lastly, it is declared

"*that if we had treated the Filipinos justly we should have recognized their independence.*" (Carl Schurz, in the N. Y. *Herald*, July 14, 1900.)

And Mr. Schurz, with great emphasis, addresses a challenge (N. Y. *Times*, July 25, 1900), which he solemnly repeats and reiterates to the people of this country, to the "Imperialists" and to the Republican party, to

"show me (him) in the history of the world a single act of *perfidy* committed by any Republic more *infamous* than that which has been committed by the McKinley administration against our Filipino allies." (*Ibid.*)

I have admired Mr. Schurz as a scholar; and I have looked upon him as an honest and independent critic of public events. His reiteration of these charges has been so sensational and dramatic, in fact, so vociferous; his

characterization of persons has been so bitter, malignant and vindictive, his wholesale indictment of the people of this nation is so serious—that, together with his claim that he had received no answer to his broadly flaunted challenges, I have been induced to investigate the charges on my own account; to go to the foundation of this melancholy affair; to follow all of its details from beginning to end, and to examine the questions, as they arose, in the light of morality, as well as of the principles of international and constitutional law. The result of my labors I now give to the public. I rejoice and am proud that this investigation shows that the charges preferred are unfounded, base and unnatural, in fact and in law; that they have been made either from gross ignorance of the facts, or a misapprehension of them, or from a deliberate disregard of truth, and a malignant and unchristianlike hatred of our civil officers, soldiers and sailors—from the President down to the lowliest private.

I have endeavored to arrange the events in chronological order, and referred to each authority upon which I have relied to sustain this argument so that the correctness of my statements may be easily verified by reference to the documents cited. By this means, all of the sources of my knowledge are disclosed, and by easy reference the argument which I propose to submit can be followed step by step to its conclusion. If the inferences drawn from the facts are unwarranted, if the reasons I urge for my views are unjustifiable, if the result I reach is a *non sequitur*, each and all of these things will at once be perceived and exposed. I have no personal hatred or political revenge to satisfy, no political favors to demand or receive; am subject to no partisan dictation, and responsible alone for these views. I have searched for the truth—the whole truth, and nothing but the truth—and here it is:

The facts relevant to this discussion are to be found in the history of this country between the 15th day of Feb-

ruary, 1898, when our battle-ship *Maine* was blown up in the harbor of Havana, and the 4th day of February, 1899, when hostilities began in the Philippine Islands, between the Filipinos, under Aguinaldo, and our army.

Prior to 1896 there had been several insurrections in the Philippine Islands against the Spanish Government; but as their history is not germane to the present controversy, it is not necessary to investigate it. The rebellion of 1896, however, is a highly important factor in this discussion, because it shows the exact relations which the people of the Philippine Islands bore to the sovereignty of Spain; it reveals the political status of the inhabitants of these islands at that time. The insurrection of 1896 was preceded, or accompanied, by a pronunciamiento or proclamation, showing its cause, scope and purpose. It was an uprising of the people to obtain the redress of certain specific grievances which were set forth as follows:

History of  
First Insurrec-  
tion in  
Philippine  
against Spain  
in 1896.

“ 1. Expulsion of the friars and restitution to the townships of the lands which the friars have appropriated,—dividing the incumbencies held by them, as well as the Episcopal sees, equally between peninsular and insular secular priests.

2. *Spain must concede to us, as she has to Cuba*, parliamentary representation, freedom of the press, toleration of all religious sects, laws common with hers, and administrative and economic autonomy.

3. Equality in treatment and pay between peninsular and insular civil servants.

4. Restitution of all lands, appropriated by the friars, to the townships, or to the original owners, or, in default of finding such owners the State, is to put them up to public auction in small lots of a value within the reach of all, and payable within four years, the same as the present State lands.

5. Abolition of the Government authorities' power to banish citizens, as well as unjust measures against Filipinos, legal equality for all persons, whether peninsular or insular, under the civil as well as the penal code. The war must be prolonged to give the greatest signs of vitality possible, so that Spain

may be compelled to grant our demands, otherwise she will consider us an effete race and curtail, rather than extend our rights." (Vol. I. Rep. Philippine Com., p. 84.)

Terms of  
Settlement of  
the Rebellion  
of 1896.

This is their bill of rights; this paper shows us the purposes for which the people uprose against Spain.

The rebellion lasted until the 14th of December, 1897, when, at a place called Biac-na-Bato, a written treaty was entered into between the insurgents and the Spanish Government; Aguinaldo representing the former, and Governor-General Primo de Rivera, by proxy, the latter. The terms of this treaty and the methods of carrying it out are so extraordinary and unusual that they cannot fail to awaken in the mind of an Anglo-Saxon mingled feelings of astonishment, indignation and pity. It was stipulated that Aguinaldo and his leading associates should leave the islands—that they should voluntarily expatriate themselves—and take up a residence outside of their native land, in consideration of the payment of a certain sum of money, *i. e.*, \$800,000, and the surrender of the arms of the insurgents to the Spanish Government (Senate Document 208, Part 2, 56th Congress, 1st Session, p. 9., Report of the Philippine Commission, Vol. I., p. 170. The Story Told by Aguinaldo, p. 3). It is a striking feature of this remarkable treaty that it did not even provide for a redress of the grievances of the people! (See the treaty, Senate Document 208, Part II., 56th Congress, 1st Session, p. 9.) In fact they are not mentioned in it.

"The principal reforms which were said to have been agreed upon by word of mouth, were the suppression of religious orders, and the taking away from those religious orders of all intervention in the administration of towns." (Vol. II. Report of Philippine Com., p. 379.)

But this is denied by General de Rivera, who stated in the Spanish Cortes, according to Agoncillo, Aguinaldo's agent, that he

"had promised no reforms to Señor Aguinaldo and his army

but that he had only given them a piece of bread in order that they might be able to maintain themselves abroad." (55th Congress, Senate Document 62, Part I., p. 430.)

It is no wonder, under these circumstances, that Aguinaldo should be openly accused of selling out his country for gold. Nor do I find anywhere in his story that Aguinaldo flatly and squarely denies this charge—in fact, as we shall see, he admits the receipt of the money. I have my own opinion about the matter; but I prefer to give the facts and allow everyone to draw his own conclusions and to form his own judgment upon them. The importance of introducing this element—of Aguinaldo's honesty or dishonesty—into this branch of the discussion is, that it bears upon his personal character; it enables one to judge, when he makes a statement which is opposed to or contradicted by the statements of our own officers, whether he is entitled to more credit than those officers. Aguinaldo is an important element in this Philippine question—*he is, in fact, the whole of it*—and it is of supreme importance that we should have as clear and full a view of his character as a man as it is possible for us to obtain.

Aguinaldo,  
Description and  
Character of.

He has succeeded in awakening the profound sympathies of Mr. Schurz and his fellows of the Anti-Imperialistic League, and of the Democratic party. He is the chief, prominent, central figure on the Philippine side, and it is his testimony which is invoked to sustain all of the promises alleged to have been made to him by our officials for the future independence of the Filipinos. Therefore, every official and public act of his life becomes of importance, not only for the present but for future purposes. It is quite essential that in the outset we should have some knowledge of this man, of his honesty, his patriotism, his ability, his knowledge, and all the other qualities necessary to be possessed by one who ambitiously aspires upon his own *ipse dixit* to govern a nation of eight millions or more people. It is admitted that, upon the ter-

mination of the rebellion of 1896, the insurgents surrendered their arms to the Spaniards, that Aguinaldo and his nearest associates voluntarily expatriated themselves, choosing Hongkong as their place of residence, and that the sum of \$400,000 was paid to Aguinaldo in part performance of the terms of the treaty. The balance of the money, it is said, was not paid, because the Spanish General, de Rivera, stated he would not do so until the complete pacification of the Philippines. (Senate Document 208, Part II., 56th Congress, 1st Session, p. 3.) For what purpose was money paid to Aguinaldo? Was it a bribe? Was it money paid to him to be afterwards divided between himself and a few of his officers? Let the facts speak. There are several versions of this transaction brought out in consequence of open charges of corruption against Aguinaldo by his countrymen and others—I give them all. Aguinaldo himself relates his version. He says:

“The whole of the money was to be paid to me personally, leaving the disposal of the money to my *discretion* and knowledge of the understanding with my associates and other insurgents.” (The Story Told by Aguinaldo, p. 3.)

Then there is another version, which comes through Wildman, our Consul-General at Hongkong, who, himself, had several pecuniary transactions with Aguinaldo, according to the latter's story (The Story Told by Aguinaldo, p. 9), and who, under date of July 19th, 1898, writes (The Anti-Imperialist, Vol. I., No. 2, p. 48):

“Consulate United States, Hongkong, July 18, 1898 \* \* \*

It has been said that they sold their country for gold, but this has been conclusively disproved, not only by their own statements, but by the speech of the late Governor-General Primo de Rivera, in the Spanish Senate, June 11, 1898, who said that Aguinaldo undertook to submit *if the Spanish Government would give a certain sum to the widows and orphans of the insurgents*. He then admits that only a tenth part of this

sum was ever given to Aguinaldo, and that the other promises made he did not find it expedient to keep."

But it is an impressive fact, in this connection, that the money was deposited in Aguinaldo's own name in the Hongkong bank, and not in trust for the widows and orphans of the insurgents, and that not a dollar of it was ever used for the noble and high-sounding charity alluded to by General Rivera in the Spanish Senate. Here we have General Rivera giving his version of the transaction, stating that the money was paid for the widows and orphans of the insurgents, and Aguinaldo giving another, to the effect that it was paid to him to be used in his discretion. But there is still another version of the affair, which irresistibly appeals to our experience and judgment as men—which contains an *ad hominem* argument—and which came out in a legal action in Hongkong, instituted by one Ysabelo Artacho. He brought suit against Aguinaldo to recover \$200,000, his share of the money, claiming that Aguinaldo refused to pay him. Aguinaldo's version of this whole transaction is this:

"\* \* \* I was interrupted by letters from Ysabelo Artacho and his solicitors, on the 5th of April, 1898, claiming \$200,000 of the money received from the Spanish authorities. \* \* \* These letters contain the threat that failure to comply with the demand of Artacho would result in him bringing me before the courts of law in Hongkong. It may make the matter clearer, if I mention at this point, that Ysabelo Artacho arrived at Biao-na-Bato and made himself known to and mixed with the officers in the revolutionary camp on the 21st day of September, 1897, and was appointed Secretary of the Interior in the early part of November of that year, when the treaty of peace, proposed and negotiated by Don Pedro Alzandro, a representative of General Rivera, was almost concluded, as is proved by the fact that the document was signed on the 14th of December of that year. In the light of these facts, the unjust and unreasonable nature of the claim of Artacho is easily discernible, for it is monstrous to claim \$200,000 for services

rendered to the revolutionary government during such a brief period. Moreover, it is a fact that it was *agreed between ourselves* that in the event of the Spaniards failing to comply with each and every one of the promises and conditions of the agreement, the money obtained from the Spanish Government *should not be divided*, but must be employed in the purchase of arms and ammunition to renew the war of independence. It is therefore evident that Artacho, in making this preposterous demand, was acting as a spy for the enemy, as an agent of General Primo de Rivera, for he wanted to extinguish the rebellion by depriving its leaders of the most indispensable element, the 'sinews of war,' which is money. This was the view, too, of the whole of my colleagues, and it was resolved that *I should leave Hongkong immediately and thereby avoid the litigation which Artacho seemed bent upon, and thereby afford my companions time and opportunity to remove this new and wholly unexpected barrier to the realization of our cherished plans for the emancipation of our beloved fatherland. I am profoundly pleased to say that they succeeded, Artacho withdrawing the suit THROUGH A TRANSACTION.*" (The Story Told by Aguinaldo, pp. 4-5.)

Aguinaldo receives money from Spanish Government to end the Rebellion.

It thus appears, according to Aguinaldo's own statement, that he did not meet this question in Court, but that he fled from Hongkong to avoid that end, allowing his associates to *compromise* with Artacho, which they did, by paying him a sum of money, and thus procured the withdrawal of the suit. If the money paid by the Spanish Government were paid for the benefit of the widows and orphans of the insurgents, it is curious that Artacho would bring suit to recover his share of it; but it is manifest from the statement of Aguinaldo *that the money was paid to be distributed between himself and his associates*, because he expressly admits, in the preceding statement, that the money could be so divided among these co-patriots, but that they *subsequently* agreed to hold it in the bank until they ascertained whether Spain would comply with the conditions and promises of the

agreement. Perhaps it would prove a good investment to open up another insurrection. Aguinaldo, therefore, stands convicted, upon his own statement, of having received money from the Spanish Government to stop the rebellion. Does such an act constitute a justification for the assertion that he sold his country for gold? Do the facts surrounding this transaction show bribery or corruption? These are questions which each individual can answer according to his convictions. What eventually became of this \$400,000, apart from the payment made to compromise Artacho's claim, does not appear from the records which I have had before me, but it must be said, in justice to Aguinaldo, that our Consul at Manilla, Mr. Oscar F. Williams, in a letter to the Secretary of State, said:

"To-day I executed a power of attorney whereby General Aguinaldo releases to his attorneys in fact \$400,000, now in bank at Hongkong, so *that money therefrom* can pay for 3,000 stands of arms brought there and expected here to-morrow." (Senate Doc. No. 62, Part 1, 55th Cong., 3d Sess., p. 328.)

From which it appears that *some* portion of the money may have been spent for the purchase of these arms. It constitutes no answer to the accusation to say that some of this money was again reinvested in arms. *The original motive and purpose of the payment of the money to Aguinaldo and his associates, was to end the insurrection and get rid of the leaders. This was accomplished,* and the Spanish Government did not pay the cash until Aguinaldo was landed high and dry in Hongkong! And these patriots thought so little of their country that the reforms promised were not even put in the treaty! This same Aguinaldo is the individual into whose hands the merciful and philanthropic Anti-Imperialists would entrust the government of the Philippine Islands! This is the man in reference to whom so many pathetic and tearful appeals have been made!

Aguinaldo is thus introduced to us through the rebel-

lion of 1896. When the war broke out between the United States and Spain, we find him living in Hongkong, a voluntary exile from his country, the possessor of this large sum of money, which he says himself was to be divided among himself and his associates. Upon the facts to which I have alluded, I think he appears upon the scene already discredited as a man and as a witness. I have tried in vain to reconcile his acceptance of this money and his voluntary exile from his native land with any sense or motive of patriotism, honor or justice. The Anti-Imperialists have taken him to their bosoms—they have held him up as an honored citizen and pure patriot—as a species of Washington. I think they should be disillusioned when they reflect upon this evidence. I think that we must accept Aguinaldo as he appears in the light of this remarkable Biac-na-Bato transaction, and when his statements are opposed to statements of our officers of our army and navy, we should hesitate to adopt his version, unless it is strongly corroborated by other and independent facts; and the inquiry arises whether the criticism of Colonel Kennon, of the 34th Infantry, who appears to have made a careful analysis of the facts, is not correct:

“I would not venture to say that this uprising was not fully justified. It proved a failure, *and its leaders, Aguinaldo in particular, were bought off, and, for a sum of money, agreed to leave the country.* \* \* \* *It is to be noted that at the time in question they were not struggling patriots, but bought-off traitors, shrewdly trying to turn the existing conditions to their own personal advantage.*” (Letter of Colonel Kennon to Senator Proctor, Congressional Record, 1st Sess., 56th Congress, p. 2772.)

The same criticism was made by our Consul at Manila, on March 31, 1898, who, in a letter to our Secretary of State, said:

“Months ago pacification was claimed by the Governor-General. It was false. *A truce had been bought with \$1,650,000 (the equivalent in silver of \$800,600 gold), during which*

the Governor-General hoped to embark for Spain, but all was a hollow farce." (Senate Document No. 62, 55th Cong., 3rd Sess., Part I., p. 322.)

In a previous letter dated February 22d, 1898 (*ibid.*, p. 320), he had said:

*"Certain rebel leaders were given a cash bribe of \$1,650,000 to consent to public deportation to China. This bribe and deportation only multiplied claimants and fanned the fires of discontent."*

I do not wish to do this man any injustice. Perhaps his receipt of the money was consistent with patriotism and honesty. Suppose we assume that it was so. The assumption will not diminish a tittle the strength of the argument which I shall hereafter make. Proceeding upon this last view, leaving all the history appertaining to the receipt of the \$400,000 out of the question, I come now to the enquiry as to the *substance* of the insurrection of 1896. What was the insurrection of 1896? What was its scope, width, breadth, length and purpose? It was simply an uprising of the people to redress certain grievances *within the Spanish Government*. It was in no sense an uprising for independence or for the establishment of a separate sovereignty; it had no such end in view, as shown by the proclamation and verified by the treaty. There is a difference between a war of revolution, which generally aims to overthrow an existing government, and an insurrection, which acknowledges sovereignty but strives to redress certain grievances. The English barons were willing that John should be King, but they stood sword in hand insisting that there should be granted to them certain great rights of liberty and property.

The issues involved in the Insurrection of 1896 acknowledged the sovereignty of Spain.

"A war of revolution is generally undertaken for the dismemberment of a state and the separation of one of its parts or for the overthrow and radical change of the government; while an insurrectionary war is sometimes waged for a very different purpose." (Sir Sherston Baker's "First Steps in International Law," p. 179.)

Read this piece of testimony in this connection :

“Q. Did they have at any time during the course of that revolution the idea of fighting for their independence ?

A. No; I never heard this word ‘independence’ spoken, nor do I think they are capable of understanding it, even up to this time.” (Testimony before Philippine Com., Vol. II., Report, p. 381.)

The purpose of this insurrection of 1896 was to fight for certain reforms within the government, and when the uprising was ended, *the complete and absolute sovereignty of Spain over these islands was unquestioned and unquestionable*; and, with the exception of an unimportant outbreak in Cebu, the rebellion had been confined to Luzon. Spain’s sovereignty in the other islands had never been questioned, and the thought of independence never entertained by the residents thereof. (Report of the Philippine Commission, Vol. I., p. 171.) So much for this epoch in the history of the Philippine Islands. It shows the status of those people down to the beginning of 1898.

## II.

Events in  
Philippines be-  
tween Febru-  
ary, 1898, and  
May 19, 1898.

We come, then, to the period intervening between February, 1898, when the *Maine* was blown up, and the appearance of Aguinaldo on the warship of Admiral Dewey, in the harbor of Manila, May 19th, 1898.

It was apparent to everyone, after the destruction of the *Maine*, that an armed conflict between the United States and Spain was inevitable, and, in fact, open preparations were made in this country for the forthcoming war. This was heralded all over the world, and long before the actual declaration of war had been made our Ambassadors, Consuls, and our Navy in the East were prepared for the blow. This was especially the fact at Hongkong, where, during February and March, measures were laid for the approaching war, and where

the rumors and prospects of hostilities were openly and actively discussed. The Spaniards, it seems, after getting rid of Aguinaldo and possessing themselves of the arms used by the insurgents, failed to grant the promised reforms to the Filipinos, the principal of which, as related by Aguinaldo, were to restrict the friars in their acts of tyranny and oppression—to expel them—and to secularize religious orders. (Story Told by Aguinaldo, p. 4.) *Besides this the other instalments of the money stipulated had not been paid.* V

“ This failure ” (says Aguinaldo) “ of the Spanish authorities to abide by the terms of the treaty, caused me and my companions much unhappiness, which quickly changed to exasperation when I received a letter from Lieutenant-Colonel Don Miguel Primo de Rivera (nephew and private secretary of the above-named General), informing me that I and my companions could never return to Manila.” (Story Told by Aguinaldo, p. 4.)

The Filipinos themselves were angry because a matter of business had been made of an insurrection, and they had no confidence in the Spaniards.

“ As a matter of fact these promises were never carried out. The civil guard began to whip and to shoot and abuse the people as before, and it is stated that in the Province of Manila more than two hundred men were executed. As a direct result of these further abuses sporadic uprisings occurred in several provinces of Luzon, but they had nothing of the coherence or strength of the original movement, being attempts to avenge particular wrongs rather than efforts to secure general reform. The straggling and numerically insignificant insurgent forces lacked arms, ammunition, and leaders. Spain disbanded her volunteer Filipino militia and prepared to send her regular troops home.” (Report of Philippine Commission, Vol. I., p. 171.)

And thus was commenced what I shall call the second insurrection. It must be borne in mind that the treaty of Biac-na-Bato was not executed until December 14th, 1897,

Beginning of  
Second Insur-  
rection in 1898.

and that the probability of war between the United States and Spain was in everybody's mouth in February, 1898. The condition, assuming that the Filipinos wished to uprise against the Spanish Government, was this: Aguinaldo had given up all their arms, and their leaders were out of the country, and they were confronted, as a matter of fact, with two dilemmas, either of which was fatal to the insurrection: If a war between the United States and Spain had not been imminent no second rebellion would have broken out, or if, on the other hand, in the absence of any prospect of war, a rebellion had been inaugurated, it would have been speedily put down by Spain, because she would have had no other work on her hands. War being imminent, our Consuls and officers in the East immediately busied themselves with plans and suggestions to aid their country, and our Consul-General at Singapore, Mr. E. Spencer Pratt, having discovered that Aguinaldo was in that place (where he had gone, be it remembered, *to hide from the process of Artacho*), sought to avail himself of Aguinaldo's services, just as he would those of any other individual who had been so closely connected with the Spaniards in the Philippines, and who knew the character, manner, habits, and resources of the natives; and it may even be conceded that Pratt sought out Aguinaldo and opened a conference with him. But it is clear and unequivocal that Pratt *made no promises to Aguinaldo*; his purpose was to get Aguinaldo to go to Dewey, and he telegraphed to the Department of State, under date of July 28th, 1898, that he

*"Declined to discuss with General Aguinaldo the question of the future policy of the United States with regard to the Philippines, that I held out no hopes to him of any kind, committed the Government in no way whatever, and, in the course of our conferences, never acted upon the assumption that the Government would act with Aguinaldo for the furtherance of any plan of his own, nor that in accepting his said*

First Overtures  
to Aguinaldo  
by Consul-  
General at  
Singapore.

*co-operation it would consider itself pledged to recognize any political claim which he might put forward.*" (Congressional Record, 55th Congress, 3rd Sess., p. 2512.)

Does Aguinaldo deny this? If he does we have our Consul on one side and Aguinaldo on the other. We have also the same exact, terse and clear statements from all of our other officials. Besides, we have the explicit instructions from the State Department, which confirm everything our officers say. As the result of the several interviews in Singapore, Aguinaldo was invited by Dewey to come to Hongkong; but before he reached there Dewey had left, and it was only on May 19th, 1898, *eighteen days after the Spanish fleet had been destroyed*, and when it was manifest to the whole world *that the Philippine Islands were to fall into the possession of the United States soldiers that an interview between Aguinaldo and Dewey took place.*

Interview between Admiral Dewey and Aguinaldo.

Dewey made no promises to Aguinaldo; he had it in his power to do so, but he was on his guard against him. A few days after the first interview he received a cable from Washington, from the Secretary of the Navy (Long), as follows:

WASHINGTON, May 26, 1898.

"DEWEY: You must exercise discretion most fully in all matters and be governed according to circumstances which you know and which we cannot know. You have our confidence entirely. *It is desirable as far as possible and consistent with your success and safety, not to have political alliances with the insurgents or any faction in the islands that would incur liability to maintain their cause in the future.*"

Dewey replied on June 3d:

"SECRETARY OF THE NAVY, Washington:

Receipt of telegram of May 26 is acknowledged and I thank the Department for the expression of confidence. Have acted according to the spirit of the Department's instructions therein from the beginning, *and I have entered into no alliance with*

*the insurgents or with any faction.* This squadron can reduce the defences of Manila at any moment, but it is considered useless until the arrival of sufficient United States forces to retain possession." (Cong. Rec., 55th Cong., 3rd Sess., p. 2511.)

With that despatch from the Secretary of the Navy in his hand, it is wholly impossible, in fact out of the question, that Admiral Dewey would have subsequently made any promise to Aguinaldo. He was specially warned by the Department not to enter into any arrangement by which this Government would be identified with any insurrection party. The evidence upon this point is so overwhelming that even Mr. Schurz does not dispute it, for he admits:

"I never said that formal alliances or agreements or promises were made." [New York *Herald*, July 14, 1900.]

No promises  
made to  
Aguinaldo.

At this time we knew little or nothing about the Philippine Islands—we were groping in the dark—we were studying the questions—we were feeling our way—filling ourselves with all details, so that when the time came we might be able to act with a ripe and mature judgment; so that we might be just and fair to all the people of those islands, and to all the interests involved. We did not know whether there were one or twenty-five insurrections in the Philippine Islands, and a more clear-headed, humane, conscientious, conservative, sagacious policy, than that conducted through the office of the Secretary of State it is impossible to conceive of, so far as I can judge from the facts and records which have come under my observation—and I think I have seen everything relevant to the subject.

Let us go back to the meeting between Dewey and Aguinaldo on the 19th of May, on the deck of the *Olympia*. Notwithstanding Mr. Schurz admits no promises were made, I purpose to investigate each feature and element of this history. Much is sought to be made of this conference, and it should be closely analyzed.

A question first arises as to the official character of Aguinaldo. Who was he? What was he at this time? He was an exile, a mere private individual, with no public or official character or position of any kind whatever; he had voluntarily expatriated himself from his own country, and was prohibited by Spain from visiting there. He was not connected with any insurrection, except in so far as it might have his moral and pecuniary support—in fact, there is no evidence that any insurrection had begun. If anything, he was engaged in the business of launching a rebellion. He did not officially represent the Filipinos, not only because he had not and could not land on their shores without the aid of the United States, but for the more powerful reason that they had no government whatever. The insurgents had not, at this time, put themselves in the field, except in a most scattered, insignificant way; they had no arms and did not receive any until they were delivered through the instrumentality of the United States boats and troops; the insurrection was not organized; the people had made no declaration of independence or sovereignty, they had adopted no constitution—no flag—no form of government; they had neither legal nor local habitation nor name, nor any of the insignia of government; at most they were simply straggling malcontents, without officers, arms or ammunition, waiting to be born, fed, clothed, organized and strengthened into an insurrection by the influences of the navy and army and power of the United States Government; and ready to take advantage of any opportunity which might advance their interests. The argument that a series of talks at this time, no matter how deep and serious, between Aguinaldo and our Naval officers or Consuls, under such circumstances, can be made the basis of an international compact binding upon the people of the United States cannot be considered—it is absurd—nor would any alleged promises under the circumstances, even if coupled with

Aguinaldo's  
official char-  
acter analyzed.

actual and beneficial war services rendered in pursuance of them, make any stronger case, as I shall endeavor to show; for, among others, this reason: Aguinaldo was *nothing*—he represented *nothing*, and could represent *nothing*, because there was *nothing* to represent. What was the name of his government? What was its character? Where was it located? Was it a monarchy, an aristocracy or a democracy? Where was the seat of government? What was its official roster? I am now speaking of affairs and events previous to June 23d, 1898; I am following closely and attentively each event during this period, because it seems to me that we should keep constantly in view and have a clear understanding of the status of Aguinaldo and his followers at each epoch of this history.

On the 19th of May, and down to the 23d of June, when Aguinaldo dictatorially adopted a constitution, there could be no pretext whatever that any insurrection existed in the Philippine Islands with which Aguinaldo was associated in any official capacity. It is true that, like Iago, he had designs—plans—in his mind, but he had been plainly told by our Consuls and other officers and by Dewey, that he could expect no official recognition from them or from this Government. Is there any question as to who we are to believe if there is a contest of veracity? It is undoubtedly true that Aguinaldo had deep designs, but they were concealed from our officers. According to the testimony of Colonel Kennon (Cong. Rec. 56th Cong., 1st Sess., p. 2772), it appears that

“On the 4th of May, 1898, Aguinaldo, Agoncillo and a few others held a meeting in this city (Hongkong), *in which the present war was planned, in case the government of the islands was not turned over to them by the Americans.* [Pure, guileless Aguinaldo!] It is to be noted that at the time in question they were not struggling patriots, but bought-off traitors, *shrewdly trying to turn the existing conditions to their own*

*personal advantage. Their plan was to unite with the Americans, procure arms from them, which later were to be used against their liberators. I have myself read the minutes of this meeting, signed by Agoncillo, in which this plan is proposed by Aguinaldo."*

The wisdom of the Government was never so apparent—its prudence in holding Aguinaldo at arm's length never appeared more justifiable—than it does to-day, in the light of all of the recently disclosed and surrounding circumstances—for it seems that this man had conceived from the very beginning a purpose of establishing a dictatorial government in the Philippine Islands, of his own manufacture, without any regard to the wishes of the inhabitants, and that he had conceived the design of carrying that out, even in opposition to the United States, with the very weapons and arms which he expected to receive from our Government. And yet we find the Anti-Imperialistic League all in tears for this great, mild, lovely and patriotic Aguinaldo! He, who did not propose to give us time to breathe, before, anticipating any intention of ours, he would attempt to snatch the Philippines from us!

In the month of May, and down to the 23d of June, therefore, the situation in the Philippines was that the United States was trying to defeat Spain, *the supreme and undoubted sovereign* of these islands, and to capture them from her. This was as clear as the noonday sun, without a shadow of any intervening right or title between these two powers. It was clear that the Philippines were doomed to be lost to Spain—clear to Spain—clear to the world—clear to Aguinaldo. Out of this inevitable result—out of the circumstances attending the capture of Manila—came the crystallization of the forces under Aguinaldo. The revolution, if it can be called so (and I claim that that is a misnomer), was born, nourished and grew out of the power and influence of the United States Government. It was a mere branch springing from the principal tree of

Aguinaldo's scheme to conspire against the Government of the United States on May 4, 1898.

Spain the Sovereign of the Islands in June, 1898.

military and naval authority, planted by the United States in the Philippine Islands. It was a subordinate, subsidiary, parasitic growth from the great stem of American power.

### III.

Events between May 19 and August 13, 1898, when Manila was captured.

I will now consider the acts and events transpiring between the 19th of May, 1898, when Aguinaldo arrived at Manila, and the 13th of August, the date of the taking of Manila. Dewey cabled the Government that Aguinaldo had visited him and that he might render assistance. Washington had also heard from Williams, the Consul-General at Manila, that the "insurgents of these islands" were making preparation for more successful war against Spain (Cong. Rec., 55th Cong., 3d Sess., p. 2512). The Administration, with great prudence, foresight, and good sense (for which they deserve infinite praise, not reproach and contumely), immediately telegraphed, namely, on May 26th, to Dewey (as I have before stated, but think it important to state again in this connection), that:

*"It is desirable as far as possible and consistent for your success and safety, not to have any political alliances with the insurgents or any faction in the islands that would incur liability to maintain their cause in the future."*

To which, on the 6th of June, Dewey replied:

*"Have acted according to spirit of Department's instructions from the beginning, and I have entered into no alliance with the insurgents or with any faction."*

The same caution was given to Consul-General Pratt at Singapore, and the Secretary of State informed him that:

*"it would not, in accepting Aguinaldo's co-operation, consider itself pledged to recognize any political claims which he might put forward."* (June 13-16.) (Cong. Rec., 55th Cong., 3d Sess., p. 2513.)

Instruction of Secretary of State to Officials to make no alliances with Aguinaldo.

And in a further letter to the same official, it is said :

“This Government *has known the Philippine insurgents only as discontented subjects of Spain.*” (Senate Documents, No. 62, Part I., 55th Cong., 3d Sess., p. 351.)

Pratt replied to the Department that he had

“*held out no hopes to him (Aguinaldo) of any kind,*” &c.

Wildman, our Consul-General at Hongkong, was instructed to the same effect and replied in the same manner :

“Never made pledges or discussed policy of America with Aguinaldo.” (Senate Documents, No. 62, Part I., 55th Cong., 3d Sess., p. 338.)

It therefore overwhelmingly appears that all our officials, Naval and Consulate, were distinctly informed in respect to the position which this Government held in regard to the Philippine Islands, and Aguinaldo had full and perfect notice that he would not be in anywise recognized by the Government. The Government wisely did not allow the grass to grow under its feet, but it promptly and broadly put itself upon record. It stamped out any pretense of existing recognition of Aguinaldo. It gave not the slightest encouragement to him—it placed itself upon the basis of its clear rights—it kept out of entanglements which Spain might have been glad to take advantage of when the time for settlement and treaty arrived. Not content with instructing our officials, the Government took the further precaution, through the Secretary of War, to proclaim its views to the whole people of the Philippine Islands; it was determined there should be no misunderstanding as to the precise relation which the Government of the United States occupied to them. On May, 19, 1898—the *very day Aguinaldo saw Dewey for the first time*—the President issued instructions to the War Department, which were conveyed for public proclamation to General Wesley Merritt, commanding the army of occupation to the Philippines. The relation of our country to the Filipinos is clearly stated in this important

May 19, 1898,  
Proclamation  
of President of  
United States  
to War Depart-  
ment announc-  
ing Sovereignty  
over  
Philippines.

document, and our views set forth in accordance with the principles of international law; indeed, the language seems to have been taken *verbatim et literatim* from a treatise on international law, because it follows so closely the doctrine laid down by all international law writers. Nothing can be clearer, nothing was more timely or proper, than this proclamation, which conveyed to the Filipinos the exact position which they bore to the Government of the United States. Tens of thousands of these proclamations were translated into Spanish and distributed among the people of those islands. (Congressional Record, 55th Congress, 3d Sess., p. 2515.) I quote the gist of it—that part relevant to this branch of the discussion:

“ \* \* \* The first effect of the military occupation of the enemy's territory *is the severance of the former political relations of the inhabitants and the establishment of a new political power.* [Here is a plain and distinct claim of sovereignty.] *Under this changed condition of things, the inhabitants, so long as they perform their duties, are entitled to security in their persons and property, and in all their private rights and relations.* It is my desire that the people of the Philippines should be acquainted with the purpose of the United States to discharge to the fullest extent its obligations in this regard. It will therefore be the duty of the commander of the expedition immediately upon his arrival in the islands, to publish a proclamation, *declaring that we come not to make war upon the people of the Philippines, nor upon any party or faction among them, but to protect them in their homes, in their employments, and in their personal and religious rights.* All persons who either by active aid or by honest submission co-operate with the United States in its efforts to give effect to this beneficent purpose, will receive the award of its support and protection. Our occupation should be as free from severity as possible. \* \* \* *Though the powers of the military occupant are absolute and supreme and immediately operate upon the political condition of the inhabitants, the municipal laws of the conquered territory, such as affect private rights of persons and property, and providing for the punishment of*

crime, are considered as continuing in force, so far as they are compatible with the new order of things, until they are suspended or superseded by the occupying belligerent; and in practice they are not usually abrogated, but are allowed to remain in force and to be administered by the ordinary tribunals substantially as they were before the occupation. This enlightened practice is, so far as possible, to be adhered to on the present occasion." (Congressional Record, 55th Congress, 3rd Sess., p. 2514.)

This was the forerunner of the "benevolent assimilation" proclamation, so bitterly denounced by the Anti-Imperialists, and about which I shall have something to say further on; but it will be noted that a comparison of the two proclamations shows that their language is almost identical! While the war was at fever heat between Spain and this country, this proclamation was issued to pacify the inhabitants of these islands. It was inevitable that we should conquer these islands—Filipinos with, or Filipinos against us. We were not making war on these people; we were driving out Spain. This proclamation told them so. It revealed our exact international relation to them. Was this wrong? Is there any criticism to be made of the President for the issuance of this proclamation? Was it not a beneficent, humane, prudent, friendly act to tender the olive branch to the people of these islands? Was it not consistent with the best policy to solicit and encourage, not merely their submission, but their hopes and friendship? At this time no one could know with certainty what would be the end of the war—what would be the basis of settlement between the two Powers—whether we would hold the Philippines, or whether we would turn them over again to Spain. Still, I presume there was little doubt on the question.

Why do not these lynx-eyed Anti-Imperialists criticise this first "benevolent assimilation" proclamation? If the second was bad, this one was equally so.

Comparison  
of President's  
Proclamations.

June 10, 1898,  
Aguinaldo's  
letter to the  
President.

On the 10th of June, 1898, we have a most significant letter from Aguinaldo to the President of the United States, in which he thanked the nation for the efficient and disinterested protection which it was giving, and begged and protested that the "Government of the United States would retain these islands until the end of the war, and if Spain fails to pay the indemnity, will (not) sell them to an European Power, preferably Great Britain."—(Senate Doc. No. 62, part I., 55th Cong., 3rd Sess., p. 360).

It will be remembered that there was some wild talk in America of turning over these islands to Great Britain. Aguinaldo at that time was only interested in having them retained by this Government; he then, apparently, was willing to fully and freely acquiesce in our having possession of them, but he did not want them disposed of to any other Power, and he begged us, in behalf of a "people which trusts blindly in you, not to abandon it to the tyranny of Spain."

In face of all these facts, it is impossible to believe Aguinaldo when he asserts that he received any encouragement from our officials or officers in the East that this Government would recognize him and the Filipinos as an independent government. Read the emphatic utterances of Dewey, Pratt and Wildman—and how can the naked word of Aguinaldo prevail against them? Instructed clearly and emphatically from Washington to enter into no entangling alliances, it is highly improbable that any of them would give him encouragement. Nay, I assert that a careful study of the facts shows that he never believed, even from the beginning, that this Government would acknowledge his independence. It is an afterthought on his part if he says so. Else why the secret conspiracy of May 4th, 1898? And he is condemned out of the mouths of his own friends and officers, one of whom testified:

"A short time afterwards (after July, 1898), as soon as he had some forces, he proclaimed independence in the few towns

Aguinaldo  
never believed  
United States  
Government  
would ac-  
knowledge his  
Government.

which he had procured without the consent of Admiral Dewey, at whose orders he had come, and the first time I presented myself to him I heard from his own lips that neither Admiral Dewey nor any other American had ever promised him such independence."—(Vol. II., Report Philippine Commission, p. 381.)

So far, then, as the case of the Anti-Imperialists rests upon promises—verbal or written, implied or expressed, inferential or direct—that the United States would give or recognize the independence of Aguinaldo's government, it is absolutely without foundation. It has not a leg to stand upon. The denials are not equivocal or doubtful; they are direct, sweeping and overwhelming.

United States never agreed to recognize Aguinaldo's Government.

Mr. Schurz is nervously anxious, constantly demanding, that some one would appear to discuss the facts with him. That anxiety and wish I am now gratifying. And with all of the evidence before me (and which I now tender and open to him) I proclaim that I shall be able to show that in his statement of all of the material facts and principles of law he is mistaken—wrong—misled far away from the paths of truth.

He says:

"While so profiting from the co-operation of the Filipinos as our military allies against the 'common enemy,' we know that the Filipinos believed that, fighting side by side with the Republic of Washington and Lincoln, they were fighting for their own independence. We had every reason for knowing that had they not so believed they would have acted differently."—(N. Y. *Times*, July 25, 1900.)

This is not correct. The facts condemn every material word of the statement. The Filipinos believed otherwise, because they were told otherwise by our Generals and officers—by every one of them, as I have shown and shall show hereafter. Aguinaldo seized the occasion of this war between Spain and the United States to put himself in motion. It released him from exile. It gave him arms.

Filipinos never believed they would be recognized.

It enabled him under our protection to gather around him troops. *But at every step of his game he encountered* the clear, plain, unmistakable utterances of our Generals, who refused to acknowledge his military or civil power or to give him any encouragement. Finding the road to his ambition was blocked, this bold, bad adventurer coldly, deliberately, with the premeditation of a murderer, cruelly plunged his unhappy countrymen in the most useless and suicidal rebellion ever waged — waged against their friends, who stood before them with the olive branch of friendship, and who were seriously engaged in the humane occupation of discovering what was best for their advancement, progress, health, education and liberty!

#### IV.

Discussion of  
Aguinaldo's  
dictatorial  
Constitution.

I wish now to discuss an event of the 23d of June, 1898, separately. This date is important only because a constitution was dictated and promulgated by Aguinaldo at that time.

What effect and influence has this document upon the merits of the Philippine question? In the first place, it was not the work of the people of the Philippine Islands. It was not the result of a *plebiscitum*—a vote—an official consensus of opinion of the people. It is a document dictatorially prepared by an individual—Aguinaldo, and promulgated by him to give the world the assurance that a government existed in the Philippines. I invoke the testimony of the Vice-President of the Congress:

“This Congress was made up by Aguinaldo. All the members may be said to have been appointed. There was not an election. There were a very few members who were elected by the people, but a great majority were appointed by Aguinaldo, and naturally the decisions of the Congress had to be as Aguinaldo desired.

Q. Did Aguinaldo have the power to remove members that did not vote to suit his wishes?

A. Yes, sir.

Q. Did he ever employ this right?

A. Yes, sir; he appointed me Vice-President of the Congress \* \* \*

Q. What importance did the Congress actually have? Were its decrees put into effect or were they overruled by Aguinaldo and his Cabinet when they were not pleasing to them?

A. Whatever Aguinaldo wished.

Q. I wish to know whether the Congress was dominated by Aguinaldo and his Cabinet or not?

A. Completely."

(Vol. II., Report Philippine Commission, pp. 386-7.)

At most, this constitution of Aguinaldo was but a *proposition*, to be adopted or rejected by the people. It had no efficacy or force until it was formally accepted either by direct ratification or by the people living under it.

"A *de facto* government is one actually existing in a state and for the time possessing sufficient strength to exercise sovereign powers." (Davis' Elements of International Law, p. 34.)

But there could be neither a *de facto* nor a *de jure* government established under the circumstances which prevailed in the Philippines at this period—at least not without the consent of the Government of Spain or of the United States. A war was in existence at this date, June, 1898, between the United States and Spain—Spain known to the world and recognized as the sole sovereign of these islands. If the United States prevailed, she need not, under principles of international law, recognize a third sovereignty—established without her consent; and the same view would apply to Spain. The paper constitution put forth by the dictator, Aguinaldo, in the midst of this war, was therefore inefficacious for any purpose—except

so far as it might be vivified into a living government by the ratification of the people of the Philippine Islands, when authorized and approved by the United States or Spain, whichever should prove to be the ultimate victor.

The paper government inaugurated by Aguinaldo could receive no recognition as a government *de facto* or *de jure* from outside sovereignties or Powers. Suppose Aguinaldo had sent a representative to the Government of France or England, how would he have been received? Would either of those Powers have recognized a government created under such circumstances? France would have said to the representative: "Who are you?" "What is your government?" "The Philippine Islands belong to Spain." "Do you claim to have carried through a successful revolution?" "Where is the evidence of a *plebiscitum*—a vote of the people?" "Spain is the sovereign of those islands?" "If she is not, then they belong to the victor, the United States." "How can you intervene between these two Powers to take advantage of the weakness of Spain or the strength of the United States, without the consent of either or both?"

"A Sovereign State may therefore be defined to be any nation or people organized into a body politic and exercising the rights of self government." (Baker's First Steps in International Law, p. 24.)

The most that could be claimed for this constitution by Aguinaldo would be, that by ratification by the people—by approval of the United States or of Spain—it might in time ripen into a government. It was hardly worthy of being called a healthy seed which could produce fruit in the political soil in which it was sowed by Aguinaldo.

Then, it is urged that Aguinaldo procured and adopted a flag—which was displayed on boats running in and about Manila Bay—and which was recognized and respected by our navy and army. Aguinaldo's story of the flag is as follows:

Aguinaldo's  
Flag.

“Then the Admiral advised me to at once have made a Filipino National Flag, which he said he would recognize and protect in the presence of the other nations represented by the various squadrons anchored in Manila Bay, adding, however, that he thought it advisable that we should *destroy the power of Spain* before hoisting *our national flag*.” (The Story Told by Aguinaldo, p. 10.)

“In conformity with my orders, issued on the 1st of September (1898), all Philippine vessels hoisted the national flag, the marines of the Filipino flotilla being the first to execute that order.” (*Ibid.*, p. 15.)

Under the circumstances disclosed, this flag was one for protection merely—it could represent nothing but the distinct troops and property of the insurgents. It had no significance or meaning in international law. It would not be recognized by any foreign Power. It had no more effect than the flag of a brigade or regiment. It existed only by virtue of the permission of the United States. It was used for convenience to distinguish it from the Spanish flag. It could be used later—when a real, *bona fide* government was created—as a national ensign. A flag of a sovereign Power, in international law, carries with it respect and protection. Aguinaldo’s flag was in no sense a national emblem, because it carried no rights or protection—except so far as it was guarded by the United States Government. This *paper* constitution and this ineffectual *flag* are boldly put forward as evidence of the existence of a government, and it is claimed in effect that because one of the officers of the United States received one of these constitutions, and authorized and knew of the existence of this flag—because Dewey accepted one of these flags as a memento—a souvenir—that the people of the United States are estopped from questioning the existence of Aguinaldo’s alleged government; that is, they seek to create a government by *estoppel*. Political States or Sovereignties are not created that way.

## V.

Aguinaldo  
never believed  
independence  
would be ac-  
knowledged by  
United States.

In this connection I now come to examine a statement of Mr. Schurz, to this effect:

“ While so profiting from the co-operation of the Filipinos as our *military allies* against the common enemy, *we know* that the Filipinos *believed* that, fighting side by side with the republic of Washington and Lincoln, they were fighting for their own independence. *We had every reason for knowing that had they not so believed, they would have acted differently. Our Government permitted them to believe that this independence would be the outcome of a common victory over the common enemy, and meanwhile it continued to accept the benefit of their co-operation, which was based upon that belief.*”  
(*New York Times*, July 25th, 1900.)

I characterize this statement as false, not imputing, of course, to Mr. Schurz any wilful intention of making averments that he did not believe to be true, but he has concentrated in this small paragraph the false views which have been recklessly circulated in the community by the Anti-Imperialistic League. I do charge Mr. Schurz with a failure to intently and carefully study the facts before circulating such a statement under his own powerful name. The Filipinos, in the first place, never fought “side by side” with our troops. The present war against the United States Government was planned at Hongkong on the 4th of May, 1898, before Aguinaldo had entered the field—after they knew of the defeat of the Spanish fleet at Manila—and before they co-operated in any manner with the United States Government. This cabal, clique or coterie of conspirators, determined then and there to wage war against the United States if Aguinaldo was not recognized as representing the whole of the Philippine Islands. (Con. Record, 56th Congress, 1st Sess., p. 2773; *The Story Told by Aguinaldo*, p. 10, Senate Document No. 208, Part II., 56th Cong., 1st Session, p. 5.) Why was this meeting held in advance of any talk with Dewey or

our officers if Aguinaldo believed the United States would recognize him? The secret meeting of these conspirators was only necessary because they felt they could not be recognized and they were determined to push their pretensions, even to a war with the great power of this Government.

The correspondence, however, between our officers and Aguinaldo shows that they gave him no encouragement whatever, and it is absolutely incorrect, as stated by Mr. Schurz, that

The correspondence between Aguinaldo and the United States Military Officers refusing to recognize him.

“Our Government permitted them to believe that this independence would be the outcome of a common victory over the common enemy, and meanwhile it continued to accept the benefit of their co-operation, which was based upon that belief,” (New York Times, July 25th, 1900.)

I shall show its falsity from every source. Aguinaldo, from the beginning, used the United States Government in every conceivable way to perfect his own plans, to increase and discipline his own army, to arm the insurgents and to carefully and skilfully place himself in a position where he could put forth the claim to represent the whole eight or ten million people of the Philippine Islands. As one of his friends and officers said :

“He had no promise of it, and he had no hope of getting it, and he would not have been able to make war at all, or, in fact, get here without the aid offered him by the blockade of the American squadron.” (Vol. II., Rep. Philippine Com., p. 381.)

The correspondence, however, between our officers and Aguinaldo clearly and emphatically shows that they gave him no encouragement whatever. There is no doubt that he did everything in his power to procure recognition, but it came not. What did come was an absolute and *peremptory refusal to recognize him either as a civil or military power in the Philippines*. Considering all the facts, looking at all the surrounding circumstances, this position was

right and just to all interested—just to ourselves as a sovereign nation—just to the inhabitants of the Philippines, who were under our protection—just to Spain, with whom we were engaged in war, and from whom no terms had yet been vouchsafed or offered.

Let us take up the correspondence. These letters began on July 4th, 1898. The first is from General Anderson to

“SENOR DON EMILIO AGUINALDO Y FAMY, Commanding Philippine Forces, Cavite, Luzon.

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, *has entire sympathy and most friendly sentiments for the native people of the Philippine Islands.*

For these reasons I desire to have the most *amicable relations with you*, and to have you and your people co-operate with us in military operations against the Spanish forces.

In our operations it has become necessary for us to occupy the town of Cavite as a base of operations. In doing this I do not wish to interfere with your residence here and the exercise by yourself and other native citizens of all functions and privileges not inconsistent with military rule. \* \* \* I have therefore the honor to ask your excellency to instruct your officials *not to interfere with my officers in the performance of their duties and not to assume that they cannot visit Cavite without permission.*” (Senate Doc. 208, 56th Cong., 1st Sess., p. 4.)

To which Aguinaldo replied, expressing great satisfaction for the sympathy and amicable sentiments contained in the letter, and said:

“I have already ordered my people not to interfere in the least with your officers and men, orders which I shall reiterate to prevent their being unfulfilled; hoping that you will inform me whatever misconduct that may be done by those in my command, so as to reprimand them and correspond with your wishes.” (*Ibid.*, p. 5.)

On July 6th, General Anderson again addressed Aguinaldo, stating :

“Very soon we expect a large addition to our forces, and it must be apparent to you as a military officer that we will require more room to camp our soldiers, and also store-room for our supplies. For this I would like to have your excellency’s advice and co-operation, as you are best acquainted with the resources of this country.

It must be apparent to you that we do not intend to remain here inactive, but to move promptly against our common enemy.” (*Ibid.*, p. 5.)

On the 9th of July, General Anderson wrote to the Adjutant-General of the United States Army at Washington in relation to Aguinaldo, stating :

“When we first landed he seemed very suspicious and not at all friendly. But I have now come to a better understanding with him, and he is much more friendly and seems willing to co-operate. *But he has declared himself dictator and president and is trying to take Manila without our assistance.* This is not probable, but if he can effect his purpose he will, I apprehend, *antagonize any attempt on our part to establish a provisional government.*” (*Ibid.*, p. 6.)

On July 14th he again addressed Aguinaldo :

“Wishing to get complete information of the approaches to Manila from every direction, I therefore have the honor to request that you give my officers all possible assistance in making reconnoissance to the lines and approaches, and that you favor them with your advice.” (*Ibid.*, p. 6.)

On July 17th, the Quartermaster, Major-General Jones, addressed a letter to Aguinaldo :

“We will want horses, buffaloes, carts, etc., for transportation, bamboo for shelter, wood to cook with, etc. For all this we are willing to pay a fair price, but no more. *We find so far that the native population are not willing to give us this assistance as promptly as required.* But we must have it, and if it becomes necessary we will be compelled to send out parties

to seize what we may need. We would regret very much to do this, as we are here to befriend the Filipinos. Our nation has spent millions of money to send forces here to expel the Spaniards and to give good government to the whole people and the return we are asking is comparatively slight." (*Ibid.*, p. 7.)

There was no response to this letter, and it was followed by another on July 23d, from the Brigadier-General of the United States Army to Aguinaldo, to this effect:

"When I came here three weeks ago, I requested your Excellency to give what assistance you could to procure means of transportation for the American Army, as it was to fight the cause of your people. So far we have received no response. As you represent your people, I now have the honor to make requisition directly on you for 500 horses and 50 oxen and ox-carts." (*Ibid.*, p. 11.)

These facts had been previously reported to the Government at Washington by General Anderson on July 21st, in the following letter:

"Since I wrote last, Aguinaldo has put in operation an *elaborate system of military government, under his assumed authority as dictator, and has prohibited any supplies being given us except by his order. \* \* \* His assumption of civil authority I have ignored and let him know verbally that I could and would not recognize it, while I did not recognize him as a military leader.* It seems strange that I have made no formal protest against his proclamation as dictator, his declaration of martial law, and publication and execution of a despotic form of government. I wrote such a protest, but did not publish it at Admiral Dewey's request, and also for fear of wounding the susceptibilities of Major-General Merritt. *But I have let it be known in every other way that we do not recognize the dictatorship.*" (*Ibid.*, pp. 12-13.)

On the 24th of July, Aguinaldo addressed General Anderson in respect to furnishing horses, buffaloes and carts, explaining why he had not responded, and said:

"I have circulated orders in the provinces in the proximity

that in the shortest time possible horses be brought for sale, but I cannot assure your Excellency that we have the number of 500 that is needed, because horses are not abundant in these vicinities, owing to deaths caused by epizootic diseases in January and March last." (*Ibid.*, p. 12.)

General Anderson replied to this letter and stated to Aguinaldo on the same day :

"I regret that there should have been any misunderstanding about it. The people to whom we applied even for the hiring of carriages, etc., *told our people that they had orders to supply nothing except by your orders.*" (*Ibid.*, p. 12.)

On August 1, 1898, Aguinaldo wrote to Mr. Williams, Consul at Manila, stating :

"I pray you earnestly, as also the distinguished Generals who represent your country in these islands, that you entreat the Government at Washington to recognize the revolutionary government of the Filipinos." (*Ibid.*, p. 16.)

Aguinaldo was also informed by General Anderson, as follows, in relation to the treatment which he had complained about :

"If you apparently have been treated harshly it is from military necessity and not for want of confidence. We had to take Manila to effect the purpose of our war. While we may admit the justice of your insurrection, to prevent all possible complications, still it is thought judicious and necessary to have only one army in Manila at once. The Government of the United States, you may be assured, which, as its agent, I can make no promises, will deal fairly with the Filipinos, but we must now insist, for the good of all, there shall be no joint occupation of Manila. \* \* \* We most earnestly and sincerely hope and trust that there may be no conflict between us, but we are prepared to enforce our orders in this matter and expect from time to time large additions to our strength. We desire most sincerely to remain friendly with the Filipinos, and have nothing but their best interests at heart in all our dealings with them." (*Ibid.*, pp. 18-19.)

On August 24th, 1898, Major-General Wesley Merritt addressed Aguinaldo as follows:

*"So far as any promises as to what should be done in the event of a conclusion of a treaty between the United States and Spain are concerned, it is utterly impossible for me as the military representative only of the United States to make any promises such as you request. As you have already been informed, you may depend upon the good-will of the Americans out here and the Government, of which you already know the beneficence, to determine these matters in the future."* (*Ibid.*, p. 24.)

On the 27th of August, Aguinaldo addressed a letter to General Wesley Merritt, in which he begged him to

*"reclaim from Admiral Dewey the protection of our ships from free navigation and permit me to insist if you wish upon the restitution of the position that we are now going to leave if in the treaty of peace to be celebrated between Spain and the United States they acknowledge the dominion of Spain in the Philippines."* (*Ibid.*, p. 26.)

I have given as much of this correspondence as is necessary to throw light upon the thoughts, motives and acts of both Aguinaldo and the officers of the United States Army, with whom he had the correspondence. These letters show the extent and spirit of Aguinaldo's co-operation. The letters, beginning with the reciprocal expressions of good-will and confidence in each other, inevitably tapered off into questions of right and duty. Aguinaldo was laboring for recognition of a revolutionary, independent government. Generals Anderson, Merritt and Otis were equally positive in declining to make such promises, and positively refused to recognize either the civil or military authority. I invite any one who is not satisfied on this point to read this whole correspondence with care. *It will be seen Aguinaldo cannot put his finger upon a solitary expression or point to an isolated act which could cause him to believe that he would be*

*recognized.* His co-operation consisted in his desultory operations against the Spaniards, made easy by the presence of our troops and the moral influence of our power. The assertion, therefore, that "Our Government permitted them to believe that this independence would be the outcome of a common victory" is false as a statement of express agreement—it is false as a general fact—it is false as a deduction or inference. His belief must have been that he would not be recognized. *The correspondence shows that he was an impediment—not an ally.*

## VI.

Now I take up the question of the co-operation and services that Aguinaldo rendered to the Americans. I will not detract from them one jot or tittle. The Anti-Imperialists, through Mr. Schurz, make this broad claim:

Aguinaldo's  
co-operation  
with Amer-  
ican forces.

"The co-operation of the Filipino forces against the common enemy was most effective. While our troops were gradually arriving, they crippled the common enemy as we could not possibly have crippled him with our strength then at hand. They made themselves masters of the entire island of Luzon, outside of Manila, and of other important parts of the Archipelago, so that the Spanish power substantially ceased to exist there. They took many thousands of Spanish prisoners, and they so hemmed in the Spanish forces in Manila on the land side, that they could not receive reinforcements or escape into the interior, while we blockaded Manila on the sea side. Thus the Filipino army became one of the decisive factors in the capture of that city." (New York Times, July 25th, 1900.)

This is an exaggerated view of the services which these Filipinos rendered to us, and it is entirely against the opinion of our officers there, as can be found in their letters; the military work of the Filipinos was of no such

importance as is portrayed by their friends. The statement is made the basis of a charge that

"we used the Filipinos as allies—that we profited from their co-operation as allies, and in point of fact recognized and treated them as allies so long as they could be useful to us, and that therefore *we owed to them those moral obligations which are always recognized between honorable allies.*" (New York *Herald*, July 14th, 1900.)

I am compelled to say that in almost every statement that Mr. Schurz makes there is an error of fact, and where he undertakes to deduce a principle of law, as applicable to such false or suppositious facts, he is necessarily and logically wrong.

Filipinos not  
allies of  
United States.

He says that the Filipinos were our allies. I deny this proposition. They aided us; but they were auxiliaries of which we availed ourselves, as we would have availed ourselves of every other factor which we found at hand—*distinctly, openly and emphatically at all times repudiating any idea of alliance or of present or future recognition.* In the first place an ally signifies an independent state or sovereign power. Chancellor Kent defines an ally to be:

"A nation which has entered into an alliance with another nation." (1 Kent's Com., 69.)

And all other definitions agree with this.

"A term implying in a military sense any nation united to another under a treaty, aggressive or defensive, or both." Farrow's Military Dictionary.

"A prince or a state united to another by treaty." Hamersley's Naval Encyclopedia.

"A state or prince bound to one by a treaty or league—a confederacy." Imperial Dictionary.

"A state, sovereignty or chief leagued with another by treaty, agreement by treaty, agreement or common action." Standard Dictionary.

"One united to another by treaty or league—usually applied

to sovereigns or states—a confederate.” Webster’s Dictionary.

“One united to another by kinship, treaty or league—a confederate—more particularly a sovereign or state connected with another by league, aggressive or defensive—or a subject or a citizen of such sovereign or state.” Century Dictionary.

“One united or associated with another by treaty or league—usually applied to sovereigns and states.” Philological Dictionary.

The term “ally” is applied, then, to a created and organized government in the sense of international law—this is the sense and meaning of the term as generally used. I do not claim that this meaning of the term is absolute—prohibitive of others—there may be cases with peculiar circumstances surrounding them where exceptions may be created, but Aguinaldo’s paper government could not be made one of these exceptions so as to constitute him in any sense an “ally” of the United States. It was not in a condition, in such a state of creation, progress or development, when it would be recognized by any foreign Power or Government. His was a wholly anomalous creation; not a politic body, but a dictatorial assertion. It is absolutely exceptional in the history of international law; it swung between the Spanish and the United States Governments—recognizing, and recognized by, neither. In the lexicography and meaning of international law it has no recognized place or name. If Spain conquered the United States, Aguinaldo was in rebellion against Spain; if Spain were conquered, he was, as he is, in rebellion against the United States. If he were an ally, he would have been taken into the councils of our military and naval officers, and his views and opinions would have been considered and recognized in the movements of the forces. We would have co-operated. As a matter of fact he never participated jointly with the United States in any engagement—they never acted together in a single in-

stance. To claim he was an ally is an absolute assumption. But, irrespective of these considerations, there are other reasons why Aguinaldo was in no sense an ally of the United States. He was not united or joined to it by any agreement or league or confederacy or common purpose, which is the usual method of creating an alliance.

But assuming (and I do not dispute the fact) that there might under certain circumstances exist an implied agreement by which governments may operate together as individuals, without a written contract, and their rights and duties be afterwards determined by the rules of equity and justice, Mr. Schurz makes this point, and I will squarely meet it. He says:

“That the Filipinos, before co-operating with us as allies against the common enemy ‘Spain,’ did not insist upon stipulating with us in black and white the conditions of the co-operation, but confidently trusted our honor and good faith as republicans of the school of Washington and Lincoln, is true just as I might go into a business operation with a friend without a written contract, believing him to be an honest man; but what shall I believe him to be if, after having accepted the benefit of my co-operation, he repudiates all moral obligations on the ground that, trusting his honesty, I had neglected to insist upon a written contract? Such a person may occasionally by some quibble of legal technicality escape the payment of a just debt, but he will surely not escape the contempt of gentlemen.” (New York *Herald*, July 14, 1900.)

Mr. Schurz states the case of an implied contract—an implied alliance—and he claims that the facts justify him in asserting that an implied alliance existed between the Filipinos and the United States Government. But what was the nature of this implied alliance between the Filipinos and the United States Government? An implied contract must be proved, just as an express one. You must show that the facts are sufficient to raise a presumption that an agreement existed of some kind. Now, what was the im-

plied alliance? What was the return which the Filipinos were to get for their services?

The Filipinos were dissatisfied with Spanish rule, which was unfair, which was tyrannical. They were denied, they claimed, the two great and fundamental principles of modern civilization—representation in the Spanish Cortes and a free press; besides, they had other ills to redress. These they sought to reform in the insurrection of 1896; but as the wrongs still existed, they welcomed the war between Spain and the United States.

Now to come directly to the question: Did the United States, in availing itself of the Filipinos' assistance, agree to give them recognition and independence? Where is the evidence to support such a contention, remembering the denials of Consul-General Pratt, of Consul Wildman, of Admiral Dewey? Recall all the letters, recur to the emphatic and imperative directions of our State Department, and where is there anything to support an implied contract and alliance, except the fact of this naked alleged co-operation? And how can any one claim that the Filipinos believed that they were fighting for independence when every official with whom they came in contact distinctly and peremptorily refused to make any promise to them, or to recognize in any manner their claims of sovereignty or independence? It takes two to make every contract—there must be a meeting of minds, as lawyers say. Did Aguinaldo render the services upon the assumption that he would be recognized? No, it is impossible, because he was plainly told so by our officers, who positively and expressly refused to recognize either his civil or military power. He may have thought that he could slide in between Spain and the United States—and no doubt that was the predominating idea in his mind—but he was mistaken. Did we accept his services under an assumption or belief that we would politically recognize him? *All* of the evidence is against this view. Mr. Schurz says that

Our duties to  
the Filipinos  
stated.

we are bound in duty to do something for these Filipinos; he claims "we owed to them those moral obligations which are always recognized between honorable allies." What are the moral obligations which are always recognized between honorable allies? I can find no moral obligations which are recognized between honorable allies, except to keep their engagements and agreements and treaties and promises. It is undoubtedly true that in accepting the services of the Filipinos, whether they were great or small, the United States Government was bound to feed, pay, maintain and protect them. It was bound to do more than this. It was bound to give them a government different and better than that which they had experienced from Spanish domination. It was bound to allow a free press. It was bound to establish courts. It was bound to allow the exercise of religious worship and of all those other essential rights which a civilized government takes pleasure in granting to those who come under its power and domination. All of these rights the government of the United States sought to create and perpetuate, because, as far back as May 19th, 1898, before Manila had fallen, the President, as Commander-in-Chief of the army and navy of the United States, proclaimed to the people of these islands that the Government of the United States intended to confer upon them all rights and privileges not incompatible with the actual prevalence of war. And nowhere in this history does the humanity, the honesty of purpose, the real statesmanship of the President, shine with such conspicuous effect as in this connection—with his efforts to advance all of the interests of the Filipinos, political, moral, religious, commercial.

Spain's  
demand to use  
the Spanish  
prisoners held  
by the  
United States  
refused.

On the 29th of August, 1898, the Spanish Government applied to Secretary Day at Washington through the French Ambassador and requested that the Spanish troops taken at Manila and held as prisoners of war by the United States might be placed at the disposal of Spain to

be used by her against the *insurgent* Filipinos! What was the answer? The Assistant Secretary of State, Mr. Moore, replied that it could not be expected that the United States could even consider such a proposition

“in view of the fact that for some time before the surrender of Manila the Spanish forces in that city were besieged by the insurgents by land, while the port was blockaded by the forces of the United States by sea.”

Do these Anti-Imperialists talk of our owing to the Filipinos “those moral obligations which are always recognized between honorable allies?” Here is a payment in full of the debt. Here is complete evidence that the United States was constantly looking after their interests—that they always had them at heart.

And they recklessly and cruelly charge that the President turned the “much-vaunted war of liberation into a war of conquest and criminal aggression!”

What was the real great motive on the part of the Government in retaining the Philippines? I quote from a speech made by Judge George Gray, a man of the most distinguished character as a jurist and statesman, and a Democrat, who was one of the Peace Commissioners at Paris:

Motive of the United States in retaining Philippines.

“The acquisition of territory by the United States was not one of the objects of war, and we solemnly declared in the resolution of Congress that our only object in demanding the relinquishment of the sovereignty of Cuba by Spain was not to hold it ourselves, except that we might pacify it, and fit it for self-government by its own people.

But in this, as in all else, ‘man proposes, God disposes,’ and it is one of the things that make thoughtful men desire to avoid war, where it can be avoided, for no one can tell what its consequences may be. I ardently desired that we *might escape the necessity of taking the Philippine Islands* and assuming the burden that their taking will impose upon us, *and I know that the President of the United States was equally anxious to the same end.* But it became apparent that, with-

out our seeing, unexpected conditions had been created, and out of these conditions, unquestionably, duties had sprung which could not be avoided or evaded by the United States.

Commodore Dewey had brought Aguinaldo back to Luzon, and by his leadership and the encouragement of the American fleet, the embers of the insurrection, which had died out, were rekindled into a flame, and the assistance of the insurgent forces was gladly availed of by our Commodore. It then came to be thought that in our settlement with Spain we could not honorably leave the inhabitants of these islands to the tender mercies of their Spanish oppressors and hand over brave men, who had assisted our fleet and army in the hour of need, to Spanish dungeons, or to the firing line of Spanish execution. I know that that situation appealed to the heart of your President, and that he believed he was representing American manhood and American character when he said, as finally he did, that, whatever became of those islands and those people, it was not in our blood to hand them back to Spain. It was a feeling of this kind, I know, that animated the Government of Mr. McKinley in coming to this important conclusion. Recognizing the burden, appreciating the responsibility, and ignoring the perils that possibly confronted us, he said, and I know he felt, that, whatever else might be the fate of these islands and of this people, he could not put our country in the attitude of deserting those whom he had placed in a new position of antagonism to their rulers.

It was argued that the performance of duty is sometimes not only unpleasant, but has dangers attendant upon it; nevertheless, a brave man and a brave nation will not shrink from it on that account. On the other hand, if American sentiment did not justify the return of these islands to Spain, no more could it justify leaving them derelict in the Eastern Ocean, the prey of the first occupant, of European rapacity. The powers of Europe would acquiesce in our taking them, but they would not stand by and see them in their helpless condition of anarchy and disorder without seizing the opportunity to aggrandize themselves, and so it was thought best by the President and his advisers to take the cession of their sovereignty from Spain, and hold it in trust, to be administered in conformity with those

high ideals and liberty-loving traditions which animate and glorify the history of our country.

Duty cannot honorably be avoided because it may bring pain or danger. Nor can responsibility always be evaded because of its burdens.

That I sought in Paris, by all honorable means, to escape this responsibility does not matter now. It came to a point at last that we must either leave the islands to Spain, take them as we did, or break off negotiations and come home without a treaty of peace. In the last event the truce would be broken, and a state of active war would have been resumed. We would have had no cession of the sovereignty of the Philippines, and none of Puerto Rico, and no relinquishment of the sovereignty of Cuba. It is true that in the protocol of August 12th Spain had definitely promised that she would cede Puerto Rico and relinquish Cuba, but without a treaty of peace that promise would not be performed. What would then have been the exigence of the situation? Undoubtedly we would have been compelled to go on and seize with the strong hand, and by military power, both the Philippine archipelago and the Greater and Lesser Antilles, taking by ruthless conquest what it was far better that we should take by the voluntary cession of a treaty of peace.

But now we have them it does not follow that we are committed to a colonial policy or to a violation of those great principles of liberty and self-government which must always remain American ideals, if our own free institutions are to endure."—(Speech before the Wilmington Board of Trade, January 15, 1899.)

All of these latter results Aguinaldo has so far thwarted; his personal ambition overcame all consideration for the inhabitants of the Philippines; he was not willing to wait until the United States had instituted a free and liberal provisional government under the care of the Congress of the United States and under the surveillance of the whole American people; but he cruelly rushed into a bloody and unnecessary war without the slightest fact to sustain him, either in morals, contract (express or implied), or in

Aguinaldo  
thwarted the  
benign pur-  
poses of  
United States  
Government.

the principles of international law. He was playing for a great stake—the government of the Filipinos. With the support of the United States his game was won. Without it he was ruined. The miserable adventurer, learning that there was a possible division of opinions on this subject in the United States, opened the war, relying upon a part of the American people to eventually uphold him in his nefarious and bloody scheme. In a nutshell this is the whole truth of Aguinaldo's rebellion.

Aguinaldo's  
claims  
analyzed.

Let us spend a moment in looking into the justice of Aguinaldo's claims. It must be remembered that he established a dictatorial government. The United States had no evidence whatever that he represented the eight or ten millions of people in the Philippine Islands; *they* had not been consulted, except so far as Aguinaldo had allured them with the seeming claim that he was acting in conjunction with the great power of the United States Government. Mr. Schurz and the Anti-Imperialists claim that we should have recognized the independence of the Filipinos. Would that have been fair and honorable treatment of the inhabitants of the Philippines?

“Q. Was the Congress fairly representative of the various provinces in the Philippine Archipelago, or chiefly made up of Luzon?

A. Luzon exclusively.

Q. In the Island of Luzon were the various provinces represented, or mostly Tagalog?

A. All Tagalog.”

(2 Report of Philippine Com., p. 387.)

Should we not have taken time to breathe—to investigate—to send our commissions and boards of enquiry to interrogate the people of these islands—to ascertain what their interests, wants and demands were? To have recognized their independence before we concluded a treaty with Spain was absolutely repugnant to all the principles of international law, and of good common sense and prudence. To have done so afterward was possible and prob-

able, but Aguinaldo thwarted all this by rushing into war, instead of quietly and calmly and honorably seeking to negotiate with this great Government upon the basis of mutual sympathy and friendship.

And yet Mr. Schurz lays down the bold, bare, unconditional proposition and charge against the Administration

“that if we had treated the Filipinos justly we should have recognized their independence.”—(New York *Herald*, July 14, 1900.)

And he undertakes to support this upon the ground of morals, equity and justice! With great respect to Mr. Schurz's high intelligence and experience, I say that this is simply preposterous; it is more than preposterous, it is humbug.

I have shown that there was no express promise made to Aguinaldo, and that in face of the testimony of Dewey, Pratt and Wildman, in view of the clear and exact instructions of our government, and all of the circumstances surrounding this insurrection, none can be implied.

## VII.

There remains the single question of co-operation. Does *that* imply a recognition of independence? Does it *involve* recognition? Is there any code of *morals* or of *law* which says that, since we availed ourselves of the co-operation of the Filipinos under the circumstances disclosed, there is a lien upon our consciences and honor to proclaim the immediate independence of Aguinaldo's government?

Aguinaldo's  
co-operation  
did not involve  
recognition.

Now, let us meet Mr. Schurz upon this vaunted field of morality, where he professes to love to graze, and again place the United States *vis-a-vis* to Aguinaldo. Why were we bound in *morals* to recognize *him*?

He was faithless to his trust in the insurrection of 1896. He settled that war for a money consideration—for what

the Anglo-Saxon race would call a bribe. When did he abandon the insurrection? At the very moment when the Spanish Government believed he was victorious—and to prevent his victory they bribed him and his crew by money!

How did he provide for his people in that treaty? *By failing to require the Spanish Government to expressly agree in writing to redress their grievances.* This—the material part of the insurrection—was left to oral promises, if stipulated for at all, while his banishment and the money he was to receive for submitting to it—the declaration of peace and the surrender of arms—were all carefully provided for by written instrument. Was *he* a man to whom the Government of this country could confide the interests, the welfare, the happiness, the liberty of from eight to ten millions of people? Recognize the independence of the Filipinos! Who asked for it? No one but Aguinaldo. Mr. Schurz forgets that a third—the most material—the essential—party to this question were the people themselves. Recognize Aguinaldo without consulting the people? How impossible—how preposterous! Read the testimony of the leading lawyers, business men, and others before the Philippine Commission, and learn with what unanimity they are opposed to immediate independence.

Hear what the Commission say:

“ While the peoples of the Philippine Islands ardently desire a full measure of rights and liberties, they do not, in the opinion of the Commission, generally desire independence. Hundreds of witnesses testified on this subject to the Commission and its individual members, and, though they represented all possible varieties of opinion—many of them in sympathy with the insurgents—they were uniform in their testimony—that in view of the ignorance and political inexperience of the masses of the people, the multiplicity of languages, the divergencies of culture and mode of life, and the obstacles to intercommunication, an independent sovereign Philippine state was at the present time neither possible nor desirable, even if its

poverty and internal weakness and lack of coherence would not invite, and the dissatisfaction of aliens entail, the intervention of foreign powers, with the inevitable result of the division of the archipelago among them and the disappearance forever of the dream and hope of a united and self-governing Philippine Commonwealth. The Philippine Islands, even the most patriotic declare, cannot at the present time stand alone." (Report of the Philippine Com., Vol. 1, p. 82.)

Of whom was this Commission composed? Jacob Gould Schurman, of New York, President of Cornell University; Rear Admiral George Dewey; Charles Denby, of Indiana, Ex-Minister to China; Prof. Dean C. Worcester, of Michigan University; and General Otis. Not politicians, but men taken from the best and most cultured walks of American life, who patiently and carefully investigated every feature of the insurrection, and whose report is a model of fulness, precision, fairness and strength.

Even Aguinaldo, as late as June 16, 1898, informed our Consul at Manila

"that his friends all hoped the Philippines would be held as a colony of the United States of America." (Senate Doc. No. 62, Part I., 55th Cong., 31st Sess., p. 329.)

The Belgian Consul, André, on August 29, 1898, wrote:

"If the United States does not take these islands under their protection the country will be utterly ruined and all foreign merchants will leave the islands." (*Ibid.*, p. 386.)

And General Greene reported:

"In the next place Aguinaldo's government or any entirely independent government does not command the hearty support of the large body of the Filipinos \* \* \* they fully realize that they must have the support of some strong nation for many years before they will be in a position to manage their own affairs alone." (*Ibid.*, p. 424.)

Shall we accept these conclusions of these men who have been upon the spot, and of this Commission who, under the solemnity of their oaths and with their positions

and reputation at stake, report that the immediate independence of the Filipinos would be bad and disadvantageous to the people and in every way chimerical? Or, shall we accept Carl Schurz, and his Anti-Imperialists—without facts, law or morals to justify them?

The position of  
the United  
States towards  
the Filipinos.

The real situation of the insurgents to the United States has been entirely overlooked or misunderstood by the Anti-Imperialists. The United States Government was at war with Spain, and availed itself of every aid which might be found to attain success. One of the principal methods of warfare in an enemy's country is to sow discontent among the people, and to utilize it either by arming the malcontents or using them in any other way. Dewey was perfectly justified in resorting to this method, and of availing himself of Aguinaldo to fan into life the fires of an insurrection which were fast smouldering out. Without Dewey—without the army of the United States—Aguinaldo was nothing; with their co-operation he was able to draw around him an army of insurgents. This he shrewdly but dishonestly used to claim rights to which he was not entitled—which had been rejected, and which were not supported by the people of the Philippine Islands.

### VIII.

"Benevolent  
Assimilation"  
Proclamation  
of December  
19, 1898, con-  
sidered.

The Anti-Imperialists find fault with the President for issuing a proclamation on December 19, 1898, before the Treaty of Peace had been ratified by the United States Senate. This is the principal assault which they make upon the Executive—the *pièce de resistance* of their charges and calumnies. It is well to examine it in this connection.

Mr. Schurz says:

"Was it his 'duty' to issue that famous 'benevolent assimilation' order, by which *weeks before the ratification of*

*the peace treaty gave him a legal right to do so, he directed an army to enforce throughout the archipelago American Sovereignty, which then did not even technically exist?"* (N. Y. *Herald*, July 14, 1900.)

"Was it his 'duty' thus substantially to declare war against the Philippine Islanders striving for their freedom and independence, and to do this in terms so inflammatory that General Otis found himself obliged to substitute for the President's order a proclamation of his own?" (*Ibid.*)

"Was it the President's 'duty' thus directly to provoke an armed conflict with the Filipinos? This was not only not the President's 'duty,' but it was a wanton and ruthless insult thrown in the face of the people who had acted as our allies against a 'common enemy,' and who aspired to be free, and it was at the same time a barefaced usurpation of power which only an unscrupulous partisan spirit would overlook or excuse." (*Ibid.*)

The facts in connection with this are as follows:

The protocol of peace between the United States and Spain was entered into on the 12th of August, 1898. It laid the foundation for the subsequent treaty. By article third of this document it was provided that the United States was to

"occupy and hold the city, bay and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines."

The treaty, signed by the Spanish and American Commissioners at Paris on the 10th of December, 1898, provided that "Spain cedes to the United States the Archipelago known as the Philippine Islands."

The treaty was ratified by the Senate of the United States on the 6th day of February, 1899. Between the making of this treaty on the 10th day of December, 1898, and its ratification by the Senate on the 6th day of February, 1899, the President issued a proclamation to the Filipinos, which is now known as the "benevolent assimilation" proclamation, and which is assailed on the

ground that until the *treaty was ratified the President's act in claiming sovereignty over these islands was premature and illegal*. This point is as narrow and technical as one as was ever raised in a justice's court to defeat a meritorious claim by resort to a small technical defense.

Happily, it has no foundation even technically, and it is absolutely unsustainable under the Constitution.

The President's instructions were issued on the 21st of December, 1898, and were in substance as follows:

“The destruction of the Spanish fleet in the harbor of Manila by the United States naval squadron, commanded by Rear Admiral Dewey, followed by the reduction of the City and the surrender of the Spanish forces, *practically effected the conquest of the Philippine Islands and the suspension of Spanish sovereignty therein*.

With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris on the 10th inst., and as the result of the victories of American arms, the future control, disposition and government of the Philippine Islands are ceded to the United States. In fulfilment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed, the actual occupation and administration of the entire group of the Philippine Islands become immediately necessary, and the military government heretofore maintained by the United States in the city, harbor and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.

In performing this duty the military commander of the United States is enjoined to make known to the inhabitants of the Philippine Islands that in succeeding to the sovereignty of Spain, in severing the former political relations of the inhabitants, and in establishing a new political power, the authority of the United States is to be exerted for the security of the persons and property of the people of the Islands and for the confirmation of all their private rights and relations. It will be the duty of the commander of the forces of occupation to announce and proclaim in the most public manner that we come not as invaders or conquerors, but as friends, to protect

the natives in their homes, in their employments and in their personal and religious rights. All persons who, either by active aid or by honest submission, co-operate with the Government of the United States to give effect to these beneficent purposes, will receive the reward of its support and protection. All others will be brought within the lawful rule we have assumed, with firmness if need be, but without severity so far as may be possible. \* \* \*

It should be the earnest and paramount aim of the military administration to win the confidence, respect and affection of the inhabitants of the Philippines by assuring to them in every possible way that full measure of individual rights and liberties which is the heritage of free peoples, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule. In the fulfilment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority, to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States." (Cong. Rec., 55th Cong., 3d Sess., p. 2515.)

This proclamation—as it is called—was in effect instructions issued by the President as Commander-in-Chief, through the Secretary of War to the General in command at the Philippines. Great stress is laid by Mr. Schurz upon the fact that the General, in making his proclamation, did not use the exact language of the President. Here is another instance of the utter recklessness of these critics—another evidence that their whole stock-in-trade consists of endeavoring to pick to pieces the acts of the President by a resort to miserable cavils and paltry criticisms. The language of the President was the mere basis for a proclamation. It furnished the substance to the General in command. He was on the spot and could know what language was best to be used. In substance he adopted every idea and thought of the President. The claim of

sovereignty was as clear in the proclamation as it was in the instructions of the President. The inhabitants could not fail to understand from both that the United States was the conqueror and owner of the islands.

The other claim is that until the treaty was ratified by the Senate the President was paralyzed—that nothing could be done by him with reference to these islands—that everything was in *statu quo*, without authority on his part to move an inch until the Senate acted on the treaty.

These agitators forget, or they conceal the fact, that this proclamation of December 19, 1898, was but a repetition of the proclamation of May 19, 1898, to which I have referred. The sovereignty of the United States was therein expressly claimed by right of conquest on May 19, 1898, because it was an inevitable, foreseen result, as plain as the coming of any fixed event, that these islands would fall into our hands.

The protocol had been signed on August 12. On August 13 Manila was taken, and December 10, 1898, the treaty formally ceded the Philippines to us. But this cession was not in the nature of an *original grant*—it was a *confirmation* of an existing title by *conquest*.

The President did not assume to issue these proclamations *as President of the United States*—they were issued under Sec. 2 of Article II. of the Constitution of the United States, which declares

“ The President shall be Commander-in-Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.”

During the war, and until a definitive treaty was ratified by Spain and the Senate, the President's power as *Commander-in-Chief was supreme*. In *war* the power of the President as Commander-in-Chief was almost arbitrary; in *peace* he acted in conjunction with the Senate.

Between the signing of the protocol and the definitive

ratification of the treaty by the Senate, the President's power as Commander-in-Chief was in full vigor and force, and coupling this with the other facts, and with the agreed treaty of December 10, 1898, the President's proclamation was perfectly proper and legal. He had the undoubted right to prepare the minds of the Filipinos for the inevitable future.

On May 19, 1898, as Commander-in-Chief, he issued his original proclamation through the Secretary of War, defining the rights and duties of the inhabitants of these islands. Is there any doubt of his complete right to do this? If there is I refer to the decisions of the United States Supreme Court:

"The powers of the President are defined in the 2nd article of the Constitution. It was decided by the Supreme Court of the U. S. in reference to the Mexican War that in the conquest of a country the President may establish a provisional government which may ordain laws and institute a judicial system which will continue in force after the war and until modified by the direct legislation of Congress or by the territorial government established by its authority."

(Laurence's Wheaton on International Law, 2nd Anno.

Ed., p. 99, note 39, citing:

Fleming *vs.* Page, 9 How., 615.

Cross *vs.* Harrison, 16 How., 190.

Liebendorfer *vs.* Webb, 20 How., 177.)

In the case of Cross *et al.* *vs.* Harrison, 16 How., U. S. Rep., 189, Judge Wayne, in delivering the opinion of the Court, said:

\* \* \* "Early in 1847 the President, as constitutional Commander-in-Chief of the Army and Navy, authorized the military and naval Commanders of our forces in California to exercise the belligerent rights of a conqueror and to form a civil government for the conquered country, and to impose duties on imports and tonnage as military contributions for the support of the government and of the army which had the conquest in possession. No one can doubt that these orders

of the President and the action of our Army and Navy Commanders in California in conformity with them were according to the law of arms."

And in Sir Sherston Baker's First Steps in International Law (p. 360, § 16) it is stated :

That "the President of the United States can make no treaty without the concurrence of two-thirds of the Senate, and his authority over ceded conquered territory, though derived from the law of nations, is subordinate to Congress. But, as a constitutional Commander-in-Chief, he is authorized to form a civil or military government for the conquered territory during the war, and when such territory is ceded to the United States, as a conquest, the existing government, so established, does not cease as a matter of course or as a consequence of the restoration of peace."

It was not necessary for the Commander-in-Chief of our Army and Navy to wait until the treaty was actually ratified by the Senate. He had *conquered* the Philippines. After the 21st of December, 1898, Spain would never have lifted her hand against the victorious progress of our troops. Spain had fought for the Philippines through her Commissioners at Paris, and had finally agreed to cede them to the United States. The United States would have been guilty of perfidy to the Filipinos if it had allowed these islands to go back to Spain. What law or provision of the Constitution prevented Mr. McKinley from making his proclamation? Assumption is neither proof nor argument. Why should he wait? Could he not act in anticipation? Could he not assume that the Senate would in all honor and decency—to say nothing of the merits—confirm the deliberations of an independent Commission composed of Americans and Spaniards? And when it should be confirmed by a sort of *jus postlimini* it retroacted to the date of its original adoption, and its confirmation reacted back and ratified all of the acts of

the President as Commander-in-Chief. The fact of its confirmation by the Senate silences all objections.

It is urged that American sovereignty did not exist at this time. But it did, and the proclamation of May 19, 1898, seven months previously, had claimed its existence by conquest.

Read the commencement of the proclamation of December 21st and it is seen that it does not rest upon the treaty alone. It asserts that:

“The destruction of the Spanish fleet in the harbor of Manila by the United States naval squadron, commanded by Rear Admiral Dewey, followed by the reduction of the city and the surrender of the Spanish forces, *practically effected the conquest of the Philippine Islands and the suspension of Spanish sovereignty.*”

But it is further claimed that its language was so *inflammatory* that General Otis suppressed some of the language and substituted a proclamation of his own! The inflammation is in the criticism and not in the proclamation. Its language is temperate, fair, clear and firm. It is such an accurate reproduction of the principles of international law, acquiesced in everywhere, that, as I said before, it might have been copied from a law book on the subject involved. General Otis had his own reasons for changing the language of the President. That circumstance is of no moment. The proclamation can stand on its own bottom. It is also claimed that this proclamation was substantially a declaration of war against the Filipinos. If this is so the war was declared long before by the proclamation of May 19, 1898. But let us go deeper into this wonderful point of the Anti-Imperialists. Suppose the treaty had not been ratified. War would then have existed between the United States and Spain. Was the President, then, not right in claiming sovereignty over these possessions, the property of Spain? But the treaty was ratified—and

ratified through the conceded influence of Mr. Bryan. Hear what this Arch Anti-Imperialist now admits:

Mr. Bryan  
indorsed and  
supported the  
treaty between  
Spain and the  
United States.

"When the President finally laid before the Senate a treaty which \* \* \* provided for the cession of the Philippine Islands, the menace of Imperialism became so apparent that many preferred to reject the treaty and risk the ills that might follow, rather than take the chance of correcting the errors of the treaty by the independent action of this country.

I was among the number of those who believed it better to ratify the treaty and end the war, release the volunteers, remove the excuse for war expenditures, and then give to the Filipinos the independence which might be forced from Spain by a new treaty. In view of the criticism which my action aroused in some quarters, I take this occasion to restate the reasons given at that time. I thought it safer to trust the American people to give independence to the Filipinos than to trust the accomplishment of that purpose to diplomacy with an unfriendly nation. \* \* \* I believe that we are now in a better position to wage a successful contest against Imperialism than we would have been had the treaty been rejected. With the treaty ratified a clean-cut issue is presented between a government by consent and a government by force. If the treaty had been rejected the opponents of Imperialism would have been held responsible for any international complications which might have arisen before the ratification of another treaty. \* \* \* *The title of Spain being extinguished we were at liberty to deal with the Filipinos according to American principles.*" (Mr. Bryan's letter of acceptance.)

Here is a distinct admission that Spain had a title to cede. It completely upsets a favorite argument of the Anti-Imperialists that Spain had no title to the Philippines at the date of the treaty.

To uphold or sustain the consistency of this admission with other declarations in this remarkable letter of acceptance is fortunately not a nut for me to crack. The children of Israel had a hard time to make bricks without straw, but their task was easy when compared to that

which Mr. Bryan has put upon his followers—to reconcile the sentences of that letter. One marked difference between Mr. Bryan and Mr. Schurz is that the former is willing to trust the future of the Philippines in the hands of the American people, where Mr. McKinley has safely placed it, while Mr. Schurz loudly clamors for an immediate recognition of their independence.

When Anti-Imperialists fall out the Filipinos will get their dues.

Supposing, for argument's sake, the President did act prematurely. What follows? He committed no offense—invaded none of the provisions of the Constitution or of the treaty. He simply took time by the forelock and opened up the way to a smooth and friendly relationship with the Filipinos.

He was guardian of the interests of the Filipinos until, by the terms of the treaty, Congress acted. It was with this body, under the Constitution of the United States, and under the express provisions of the treaty, that the whole question of the rights, government and future of the Filipinos was confided. Until it acted the matter was in the hands of the President in the double capacity of Executive of the nation and of Commander in Chief of the Army and Navy. Even if he were technically wrong, which I emphatically deny, there was a mere question of good taste involved. Good manners demand that the President of the United States should be free from criticism when acting in the performance of his duties as Executive, if he is not violating any law. The President under the Constitution has a certain scope and liberty of action. Within this sphere, if a part of the nation does not agree with him, good taste, gentle breeding and politeness require silence. We may not agree with him in his method of living, his dress, his religion; but he has been selected as Chief of the nation by the people. He needs to be respected. In the present instance Mr. McKinley conscien-

tiously believed he was acting for the true interests and real welfare of the Filipinos. Every step he took was the result of much care and thought. He was, for the first time in the history of this country, confronted with an entirely new problem—thrust upon him by the unexpected occurrences at Manila. It was a situation that required study, and as long as he was acting in good faith and for the interests of the whole people—which nothing but a brazen mendacity can deny—he should have been supported by everybody, because there was no question of politics involved. His action has been fully confirmed by the Senate. The intemperate and inflammatory criticism of him by the Anti-Imperialists has, then, no foundation in principles of morality or law—they have simply invaded the domain of good breeding and manners, and behaved with disrespect toward the Executive of this great nation. If they need to be enlightened about the real merits of this question they should have studied the facts and records.

As for their bad manners, I cannot undertake to correct them. I simply point out to them that the office of the President of the United States—no matter by whom it is administered—whether by Mr. McKinley or Mr. Cleveland, whether by a Republican or Democrat—is entitled to respect. The occupant should in the domain of his discretion be free from calumnious, slanderous or libellous criticism. And the men who indulge in such ungentlemanly pastimes should be held up in the pillory of public execration.

I take in this connection an episode in the life of Jefferson—whose isolated words the Anti-Imperialists are never tired of quoting. In the acquisition of the territory of Louisiana, Mr. Jefferson saw a great opportunity to benefit the people of the United States. Its purchase could not be postponed, and yet between its acquisition and his constitutional opinions there stood a formidable

barrier. He had honest doubts whether any territory could be acquired by the United States without an amendment to the Constitution, but he saw that if he did not avail himself of the opportunity quickly and promptly the occasion would be lost. He took the territory. Let Mr. Tucker, his biographer, tell the rest of the story :

“ He had good reasons for this caution as it respected France, since the American ministers at Paris soon afterwards wrote that if the negotiation were then to take place, the same treaty could not be obtained, and that if the United States gave the French Government the least opening they could declare it void ; and that a ‘ warning ’ to this effect had been given to them ; and moreover a strange letter relative to the treaty had been recently written by their minister (Pichon) to our Secretary of State. In communicating the preceding facts to Colonel Wilson C. Nicholas, then residing in Albemarle, Mr. Jefferson again expresses his opinion that they could not incorporate Louisiana with the United States without an amendment to the constitution ; but Colonel Nicholas had expressed the opinion that the power given to Congress to admit new States into the Union extended to territory beyond their limits at that period.

It clearly appears by the same letter that Mr. Jefferson did not think that the constitution authorized this addition to the national territory and that it would be necessary to obtain a special amendment for that purpose.

‘ The Constitution,’ he remarks in the same letter, ‘ has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The executive, in seizing the fugitive occurrence which so much advances the good of their country, *have done an act beyond the Constitution*. The legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country, for doing for them unauthorized, what we know they would have done for themselves, had they been in a situation to do it.’ He assimilates the case to that of a guardian who exceeds his authority to make an advantageous purchase for

his ward, relying on his confirming it when he comes of age, and adds, 'But we shall not be disowned by the nation, and their act of indemnity will confirm and not weaken the Constitution by more strongly marking out its lines.'" (Life of Jefferson, by Tucker, Vol. 2, p. 147.)

No constitutional amendment was ever passed, and Mr. Jefferson's views have since been shown to be unfounded by historical precedent, and judicial authority. But no act throws more glory upon his political career than his endeavor to save this great body of land for this country at the sacrifice of his own opinions. Let the Anti-Imperialists draw a lesson from this—at least of good manners.

But I must not fail to notice in this connection another proposition of the Anti-Imperialists, viz. : that by issuing the proclamation of December 21, 1898, the President

"substantially declared war against the Philippine Islanders striving for their freedom and independence." (New York *Herald*, July 14, 1900.)

and the question they put in connection with it—

"Was it the President's 'duty' thus directly to provoke an armed conflict with the Filipinos?"

and the answer which they make to their own question, that the act of the President was

"a barefaced usurpation of power which only an unscrupulous partisan spirit would overlook or excuse." (*Ibid.*)

I have shown that Aguinaldo determined as early as May 4th, 1898, to wage war against the United States if his dictatorial government was not recognized (ante, p. 18 *et seq.*). I have shown by the correspondence between himself and Generals Anderson, Merritt and Otis that he was waiting every opportunity to put this purpose into execution (ante, p. 31 *et seq.*). I have shown that as early as May 19, 1898, the United States had claimed the sovereignty of these islands by conquest (ante, p. 22 *et seq.*). I have endeavored to show that in the exercise of his power as Com-

mander in Chief of the Army and Navy the President was justified in issuing the proclamation of December 21, 1898 (ante, p. 50 *et seq.*). I have shown that Aguinaldo did not represent the people of the Philippine Islands (ante, p. 17 *et seq.*) or their sentiments (ante, p. 46).

I will add but one word more. I will bring notice home so directly that no one can deny it. Negotiations took place in January, 1899, between Commissioners of Aguinaldo and officers appointed by General Otis.

“With great tact and patience the Commanding General had held his forces in check, and he now made a final effort to preserve the peace by appointing a Commission to meet a similar body appointed by Aguinaldo and to ‘confer with regard to the situation of affairs and to arrive at a mutual understanding of the intents, purposes, aims and desires of the Filipino people and of the people of the United States.’ Six sessions were held, the last occurring on January 29, 1899, six days before the outbreak of hostilities. No substantial results were obtained, the Filipino Commissioners being either unable or unwilling to give any definite statements of the ‘intent, purposes, and aims of the people.’ At the close of the last session they were given full assurances that no hostile act would be inaugurated by the United States troops.” (Vol. I., Rep. Philippine Commission, p. 175.)

The proclamation of December 21, 1898, is used as a mere pretext to embarrass the question. It was in no sense a declaration of war, nor was it so regarded by Aguinaldo. It is an afterthought on the part of the Anti-Imperialists to call it such. Aguinaldo knew the position of the United States *from the beginning*. He was plainly and clearly notified that his pretended military or civil power would never be recognized. He was not consulted as to the terms of the treaty, because he was in no proper sense an “ally” of the United States—he was for a short time an auxiliary—precisely as an additional indigenous regiment or regiments would be. His whole capital consisted of the moral force of the United States.

Aguinaldo was not an "ally," for the additional and weighty reason that he was never consulted by and never directly co-operated with our forces—not in one single instance. Between June and August 13, 1898, when Manila was captured, he ran a campaign of his own, inducing the Filipino militia to desert the Spanish army with their guns and ammunition, and fighting desultory bands of Spanish soldiers. All of his successes were attributable to the moral force of the United States. He guarded the land side of Manila, it is true, but Manila was ours without him or his aid. His whole campaign, the augmentation of his forces, and keeping them together, was to fight the United States. Until hostilities actually began, *on the eve of the ratification of the treaty* by the United States—February 6th, 1899—Aguinaldo skulked around the outposts of the United States Army. It was with the greatest difficulty our generals and officers could reach him. This "*ally*" of ours never condescended to have a personal interview with either Generals Anderson, Merritt or Otis!

Long before the Senate ratified the treaty he had concluded to attack Manila, for a few days before hostilities began Aguinaldo secretly ordered the Filipinos who were friendly to him to seek refuge outside the city. (Vol. I., Report Philippine Commission, p. 174.)

And after the war began the Administration held out the olive branch to these insurgents. A Commission was appointed, one of whose objects was "to assist in the peaceful extension of American authority and the establishment of civil and peaceful government among the people." This Commission issued a proclamation expressing these views, and had several conferences with Aguinaldo's Commissioners—they tried to see him personally, but all of their efforts for agreement and peace were ineffectual.

This is in brief the history of this rebellion against the sovereignty of the United States by the Filipinos.

It was an unnecessary, cruel, premeditated, criminal war, inaugurated and carried on by Aguinaldo against the best friends of his country.

The parties responsible for it are two, Aguinaldo and his sympathizers in the United States—the so-called Anti-Imperialists. Without the latter the war would never have been commenced. With their aid it has been kept alive. The responsibility upon them is as great as that which men have ever shouldered in any public crisis. They can never shake it off.

## IX.

Heretofore I have endeavored to fully answer all of the charges made by Mr. Schurz and the Anti Imperialists. If there are any which I have not expressly alluded to it is not because they have been overlooked, but because they are insignificant or are answered by some general statement of law or of fact. Out of these undisputed or conceded facts there flow certain consequences, based on principles of international law.

Legal consequences flowing from the conquest of Philippines.

1. At the commencement of the war, and at the time of the defeat of the Spanish fleet at Manila, Spain was the supreme and sovereign authority in the Philippines. She did not, and could not, make any disposition of them after the war began, which would have interfered with the American right of conquest. Spain having been vanquished, gave up these possessions to the conqueror, the United States. They thus became the property of the United States by a double title—that of conquest and cession.

2. As to the inhabitants of these islands, it made no difference whether they were many or few. They passed with the islands—they followed the conquest or cession.

Innumerable historical instances of the correctness of this proposition are found in this country and elsewhere. If any one doubts this assertion let him study the circumstances surrounding the purchase of Louisiana, Florida, Alaska—let him study the history of California, New Mexico and Texas.

One of the most striking and cruel illustrations of this principle of international law I will cite for the benefit of Mr. Carl Schurz—that of the forcible wrenching of Alsace and Lorraine from the sovereignty of France by Germany, his native land. The people of these two provinces were forced to become subjects of Germany, or to expatriate themselves and to give up their homes, birthplace, and all of those sacred and tender ties which attached them to their native land. I believe if it were put to a vote to-day the inhabitants of Alsace would overwhelmingly vote to become French subjects again; but they, in their own native land, are held down by force of conquest and cession. To those Anti-Imperialists overflowing with a lachrymose philanthropy and of the eternal principles of liberty, as they call them, I point to Alsace and Lorraine. Over this sad event they can shed all of their crocodile tears.

But international law sanctioned the conduct of the Germans. When, therefore, Mr. Schurz and his associates talk of transferring bodies of people like sheep—*en bloc*—they entirely overlook the clear precepts of international law as laid down by every writer, and the necessary results of conquest or cession of territory.

Here are some excerpts which establish the doctrine:

“The conqueror who acquires a province or town from the enemy, acquires thereby the same rights which were possessed by the State from which it is taken. If it formed a constituent part of the hostile State, and was fully and completely under its dominion, it passes into the power of the conqueror upon the same footing. It is united with the new State upon the

same terms on which it belonged to the old one; that is, with only such political rights as the constitution and laws of the new State may see fit to give it. It retains no political privileges or immunities, but may acquire those it never possessed before. In political rights it may be the gainer or the loser by the change; if from being a part of an absolute monarchy it becomes a part of a republic, its liberties will be enlarged, or, if the reverse, they will be restricted. But such restriction, in any case, must be in conformity with the rights of conquest and the laws of war. When New Mexico formed a part of the Mexican Republic, it enjoyed the right of representation in the Mexican Congress; on the conquest of that territory by the arms of the United States, under Gen. Kearny, a clause was introduced into the new organic law for sending a representative to the Congress of the United States. This part of the organic law was disapproved by the President, and, even without such disapproval, it was utterly inoperative, for this right of representation was a political right, which was lost by the very act of conquest, and could be restored to it only by the action of Congress, after its permanent incorporation into the conquering republic. The case, however, is different where the enemy possessed only a quasi-sovereignty, or limited political rights, over the conquered province or town. The conqueror acquires no other rights than such as belonged to the State against which he has taken up arms. 'War,' says Vattel, 'authorizes him to possess himself of what belongs to his enemy. If he deprives that enemy of the sovereignty of a town or province, he acquires it, such as it is, with all its limitations and modifications. Accordingly, care is usually taken to stipulate, both in particular capitulations and in treaties of peace, that the towns and countries ceded shall retain all their liberties, privileges and immunities. But where such conquered provinces and towns have themselves taken up arms against him, thus making themselves directly his enemies, the conqueror may regard them as vanquished foes and treat them precisely as he would treat other conquered territory.' "

(*Halleck's International Law* [Baker's Ed.], Vol. 2, page 482, Sec. 2; citing *Cross v. Harrison*, 16 How. R., 194;

American Ins. Co. v. Canter, 1 Peters R., 542; Marey to Kearny, Jan. 11, 1847, Ex. Doc., No. 17, 31st Cong., 1st Sess. H. R.

“Where a conquest is confirmed, or in any other way made complete, the allegiance of the inhabitants who remain in the conquered territory is transferred to the new sovereign. The same effect is produced by an ordinary cession of such territory. In either case the national character of the inhabitants who remain is deemed to be changed from that of the former to the new sovereign, and in their relations with other nations they are entitled to all the advantages, and are subject to all the disadvantages, of their new international status.”

(Sir Sherston Baker's First Steps in International Law, p. 153, Sect. 30.)

3. The inhabitants of a conquered or ceded country, if they do not agree or sympathize with the form of government of the conqueror, or purchaser or cessionee, can quit it; they have the admitted right of expatriation. This is generally provided for by treaty, but in the absence of express agreement the right to expatriate still exists.

It was not provided for in the treaty between Spain and the United States. No one ever imagined, until an unfounded agitation arose in the United States, that the Filipinos would not have been amply satisfied with any temporary provisional and eventually permanent government which the United States would establish.

But the right of expatriation is still open to them.

“If the inhabitants of the ceded territory remain in the territory after such transfer, they are deemed to have elected to become subjects and thus have consented to the transfer of their allegiance to the new sovereignty. If they leave *sine animo revertendi*, they are deemed to have elected to continue aliens to the new sovereignty. The status of the inhabitants of the conquered and transferred territory is thus determined by their own acts. This rule is the most just, reasonable and convenient which could be adopted. It is reasonable on the part of the conqueror, who is entitled to know who become his subjects, and who prefer to continue

aliens; it is very convenient for those who wish to become the subjects of the new State; and it is not unjust toward those who determine not to become its subjects. According to this rule, domicile, as understood and defined in public law, determines the question of transfer of allegiance, or rather is the rule of evidence by which that question is to be decided.

“This rule of evidence, with respect to the allegiance of the inhabitants of ceded conquered territory, may be inconvenient to those who do not become subjects of the new sovereignty, as it requires them to change their domicile; but it is necessary for the protection of the rights of those who elect to become subjects of the new Government, and especially necessary for determining the rights and duties of the Government which acquires their allegiance and is bound to afford them its protection. It would not do to leave the status of the inhabitants of the acquired territory uncertain and undetermined, and to suffer a man’s citizenship to continue an open question subject to be disputed by any person at any time, and to change with his own intentions and resolutions as might best suit his convenience or interest. Count Platen Hallermond was prime minister of Hanover at the time of the capitulation of its army to Prussia in 1866. Hanover was afterwards forcibly annexed to Prussia, but before the annexation Count Platen left Hanover in the suite of the ex-King who, by the terms of the capitulation, was allowed to choose his own residence together with a suite of attendants. They took up their abode at Vienna, and, while there, Count Platen was summoned to appear before the Supreme Court in Berlin on a charge of high treason, alleged to have been committed by him abroad “as a royal Prussian subject,” after he had ceased to reside in Hanover. According to the law of Prussia only a Prussian subject can be prosecuted before a Prussian court for an act of high treason committed abroad, and it was, therefore, necessary to assume that Count Platen had become a Prussian subject in consequence of the annexation of Hanover by Prussia. He pleaded to the jurisdiction of the court on the ground that he had never become a Prussian subject. The court, however, overruled the plea and proceeded against the

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Count *in contumaciam*, sentencing him to penal servitude for fifteen years. It is submitted that the mere fact of conquest, or forcible annexation, does not create the relations of sovereign and subject between the conqueror and the conquered, but there must be either an express or tacit submission for the purpose, and in "tacit submission" would be included the remaining within the sphere of the power of the new dominion and fulfilling the duties of subjects; but it must be entirely left to the subjects of the subdued state whether they will acknowledge the new sovereign power or not. Consequently they are at liberty to emigrate; but if they remain they thereby tacitly declare that they enter the new State and community.

"This modern and more benign construction of the laws of nations, with respect to the allegiance of the inhabitants of conquered or ceded territory, avoids all questions of the right of the one State to transfer, and of the other to claim, the allegiance of subjects of neutral States who are naturalised or domiciled in the territory transferred by conquest or treaty. All are alike aliens to the new sovereignty, if they elect to continue so, and all become its subjects if it consents to receive them, and they, by remaining in the transferred territory, signify their election to become such."

(Sir Sherston Baker's First Steps in International Law, pp. 356, 357, 358, Sections 7, 8, 9.)

"Allegiance of the Population of the Conquered or Ceded Territory.—When territory changes hands, by cession or conquest, the fact that allegiance is now based upon consent is usually recognized by the insertion of a clause in the treaty by which the conquest is completed or the session accomplished, permitting such of the inhabitants as desire to retain their former citizenship to dispose of their property and return to the state of their original allegiance. Individuals who decline to take advantage of this permission and elect to remain in the ceded territory are presumed to consent to the change in allegiance which is involved in the conquest or cession. From the nature of the case, however, no formal guarantee of the allegiance of the population of territory thus transferred is

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either given or expected. It is proper to say, also, that while the inhabitants of conquered or ceded territory become vested with the rights of citizenship by the fact of conquest or cession, in so far as other states are concerned, their actual absorption into the body politic of the conquering state is a matter which is regulated, not by international law, but by the constitution and laws of the state to which their allegiance has been transferred by conquest or cession. (IV. Calvo, sections 2466, 2469; Amer. Ins. Co. *vs.* Canter, 1 Peter, 542; Heffter, section 131; 11 Halleck, pp. 489-497; III. Phillimore, sections 591-593; Hall, sections 205, 206; Dana's Wheaton, section 346, note 169; 11 Halleck, pp. 485-489; United States *vs.* Repentigny, 5 Wallace, 260; 1 Wildman, p. 162; IV. Calvo, sections 2466-2477.) 'By a principle of international law, on a transfer of territory by one nation to another, the political relations between the inhabitants of the ceded country and the former government are changed and new ones arise between them and the new government. The manner in which this is to be effected is ordinarily the subject of treaty. The contracting parties have the right to contract to transfer and receive respectively the allegiance of all the native-born citizens; but the naturalized citizens, who owe allegiance purely statutory, are, when released therefrom, remitted to their original status.'—(Tobin *vs.* Walkinshaw, 1 McAllister, 186; Amer. Ins. Co. *vs.* Canter, 1 Peters, 542.) 'When New Mexico was conquered by the United States, it was only the allegiance of the people that was changed; their relation to each other and their rights of property remained undisturbed.' (Leitensdorfer *et al.* *vs.* Webb, 20 Howard, 176.) 'On a conquest by one nation of another, and the subsequent surrender of the soil and change of sovereignty, those of the former inhabitants who do not remain and become citizens of the victorious sovereign, but, on the contrary, adhere to their old allegiance and continue in the service of the vanquished sovereign, deprive themselves of protection or security to their property, except so far as it may be secured by treaty.'—(United States *vs.* Repentigny, 5 Wallace, 211.) 'Hence, where, on such a conquest, a treaty provided that the former inhabitants who wished to adhere in allegiance to their van-

quished sovereign might sell their property, provided they sold it to a certain class of persons and within a time named, the property, if not so sold, became abandoned to the conqueror.'—*Ibid.* "Citizens of territory acquired by the United States as a result of conquest or cession have the international privileges of citizenship, in respect to extra territorial protection, etc., from the date of the treaty of peace or of cession. The matter of their citizenship or naturalization, as a question of municipal law, if not settled in the treaty, depends upon the legislation of Congress. The Treaty of Frankfort, in 1871, authorized liberty of emigration from the provinces of Alsace and Lorraine until October 1, 1872.'—(XIX. *Nouv. Rec. Gen.*, p. 689; Hall, p. 572, note; III. Phillimore, pp. 868-871.)"

(Davis' *Elements of International Law*, pp. 346-347, and note.)

4. In all cessions or conquests of new territory, there is involved many great, delicate and important questions concerning the fundamental rights of life, liberty and property. But these questions are necessarily in the hands of the conqueror or purchaser. If he is civilized, civilization will follow the new ownership. If he is a barbarian and savage, God help the old inhabitants. They must flee their native land, or abide the behests of the new sovereign. Fortunately, in this age there are few cases which produce such an experience. Alsace and Lorraine is the worst spectacle the world has seen for a long time. But the rule of international law is unquestionable. To the victors belong the spoils. With a purchase of new territory is the accompanying right of dictating the form of the new government, subject always to the right of expatriation.

If the conqueror or purchaser of new territory is civilized, just and sensible, he will not abuse his privileges. If he is not he will make for his new subjects a hard life, and they in return will prevent him from enjoying a bed of roses. This is history—this is human nature. To read the utterances of some Anti-Imperialists one would think

that the American nation was about to enslave the inhabitants of the Philippine Islands, or to visit some condign punishment upon them.

Does any sensible man think that such a fate awaits these people at our hands?

Does not every one know that the future, the prosperity and happiness of the Filipinos will be promoted and enhanced under the influences of any government which the Congress of the United States may impose?

In each case of conquest or cession of territory there arises a new question as to how the inhabitants shall be treated and governed. The results are necessarily different in each instance.

The inhabitants of the United States, as a general rule, need heavy overcoats, blankets, woolen clothing and rubber overshoes. I imagine that we will not force these necessary features of our physical life upon the Filipinos, any more than we will inflict them with governmental machinery which is inapplicable to their present political, educational and moral training and conceptions.

Primarily all of these questions are matters to be carefully discussed by the conqueror or purchaser; the solution will be the result of observation, inquiry and study of the character, habits, history of the people—the climate, the present and future interests of all concerned. We are not a nation of fools and idiots; we are not a cruel and blood-thirsty race; we have sufficient intelligence, courage, civilization and Christianity to deal with any problem that comes before us in the natural development of our national life and history.

A mother may with as much reason shrink from the responsibility of rearing her first child because of the novelty of the situation, as this nation should flee from meeting the responsibilities of any question born out of normal conditions.

The Philippine Islands are ours—they will remain so—to

our advantage, and to the present and future political, moral, physical, religious and commercial benefit of those people. We will have no adopted children that we will feel ashamed of.

And none that will not love us.

5. Another proposition is equally clear, *i. e.*, that the inhabitants of the conquered or ceded territory have no rights—strict, technical rights—under the principles of international law, to intervene or to be heard in the discussion of a treaty of cession which involved the transfer of the territory they occupy.

Mr. Schurz complains that when

“ we began negotiations for peace with the ‘ common enemy’, and our Filipino allies asked to be heard in these negotiations as to the future of their country, we slammed the door in their faces as if they had no right to their country at all.” (New York *Herald*, July 14, 1900.)

I deny the fact that they asked to be heard. Aguinaldo begged us not to yield the territory to Spain or to sell it in the open market “ preferably to England.” He never asked to be heard, but he did have his emissary, Agoncillo, at Washington, who fully and extravagantly presented his views in writing to each Senator before the ratification of the treaty—with no effect.

But irrespective of the question of fact—what is the rule in such cases?

Were the inhabitants of that vast territory ceded to us by the Louisiana purchase heard? Were the people who resided in Alaska, before its cession to us, heard?

Were the Alsations heard before they were put under German domination?

There is such a thing as being so tender and delicate about the rights of people as to become impracticable, visionary and platonic. We are not living in the millennium yet. Human rights are protected by human laws, and

when our laws are based upon the greatest good for the greatest number, we approach as near to perfection as mortals have been able to attain.

These Anti-Imperialists are so refined in some parts of their reasoning that they argue themselves out of all schemes of political salvation.

6. If the above propositions did not necessarily, logically and naturally flow from conquest or cession of territory neither could ever be made. It would be abortive.

The Alsatians might have objected to becoming Germanized; the Alaskans to becoming Americanized; and so on through the whole category of historical examples. It shows that such an argument leads to a *reductio ad absurdum*.

## X.

Out of the foregoing facts and history a coterie of sentimentalists and politicians have endeavored to create and to force a false and untimely political issue, which they have baptized "Imperialism," and the Democratic party, destitute of real questions, has eagerly seized hold of this barren name to hoist itself into power.

The *name* is a *misnomer*. It has no application to any existing conditions—the *issue* is *false* because there are no facts to support it—and the *result* will necessarily be *hollow*.

If the Democrats should succeed they would do nothing for the Filipinos which the Republicans will not do. The rebellion must cease; Aguinaldo must be eliminated, and then a series of reforms can be inaugurated, leading up gradually but surely to a free government by the people. Let any man look the facts—all of them—squarely in the face, and tell me why he should vote the Democratic ticket? Why should we turn out of office an Administra-

tion closely familiar with the existing situation, whose usefulness as public servants will be much greater than ever, and to place in its stead a party whose stock-in-trade consists in promises which they cannot fulfil and representations which they know to be false?

Imperialism! Without an Emperor—without an Empire! There never was anything so far-fetched in political history. It is impossible that the people can be deceived by such wretched, superficial and flimsy fraud.

The same title would apply to the Louisiana, the Texas, the New Mexico, the Alaska transactions—these will all fall under the modern definition of “Imperialism.”

The accession of territory has been gradually going on from the foundation of our government. As the population increases, and our commerce develops, we push out as naturally as men grow—from babyhood to adolescence, from adolescence to manhood. In the progress of a national life which Almighty God has confided to our hands, no man can say what will be the full measure of our political development and commercial growth; or where it will lead us. Every time the question occurs of new territorial acquisition Schurz and Bryans arise and cry out against it, and prophesy and threaten dire calamity to the nation.

What became of the past prophecies made at the time of our former territorial accessions? Ground to atoms under the overpowering weight of historical truth; of our present prosperity and civilization; every act vindicated and applauded.

And now comes a new set of false apostles crying out against the Philippine victory—made memorable by the generous manner in which we treated Spain in giving her twenty million dollars to *confirm* a title which we already possessed by conquest.

They borrow from the pages of ancient history a name, and they undertake to apply it to existing facts by assert-

ing that the limits of this Republic are naturally and constitutionally confined to this continent. They argue that we should erect a Chinese wall around our present territorial possessions and shut ourselves out from the world! And this is their full conception of our future and of the purposes of a civilised government.

They argue that because the Philippines are "*far away*" that that fact constitutes Imperialism. I will spend no time in answering such a proposition. Manila Bay is not as "*far away*" as Oregon was when it was annexed. Science has annihilated both space and time, and territory or commerce which might not have interested us fifty years ago may now become a crying necessity.

But Mr. Schurz, better informed in history than most of his fellow Anti-Imperialists, appreciates that his arguments, to have any force, must embrace the worst features of a despotic government—that a mere question of distance between San Francisco and Manila will not answer for "*Imperialism*," and he throws into the discussion the elements of "*conquest*," "*criminal aggression*," "*bare-faced usurpation of power*;" "*the wanton and unnecessary sacrifice of life*;" "*wrenching from a nation their country and brutally shooting the inhabitants down; and governing them without their consent and against the spirit of our own declaration of independence*."

He does not dare to give us a definition of Imperialism; general denunciation is the limit of his argument; but lumping his accusations together, extracting from them all of their salient points, the impeachment he makes of this Republic under the name of Imperialism is this: the creation and waging of an unnecessary and cruel war in a pure spirit of aggression, conquest and greed and for the purpose of politically enslaving the inhabitants against their will and governing them by laws different from those under which the conqueror's own people live and against

the true spirit of modern liberty and civilisation. This is Mr. Schurz's "Imperialism."

One can only appreciate the full strength of it when these charges are compressed into a definition or indictment. This he skilfully avoids.

This accusation, as I have shown, is false—false as a general statement, false in every detail, false in fact, false in reason, false in law. Recall the salient events in this connection. The war which was declared against Spain on the 25th of April, 1898, was the result of almost complete unanimity on the part of Congress. All will remember with what positive reluctance Mr. McKinley entered into the spirit of this declaration—how he postponed, delayed and hesitated, and how he was pushed by the overwhelming sentiment of both branches of the national legislature, by Republicans and Democrats alike, into commencing hostilities against Spain.

A few days after the war was declared Manila fell. The Philippines practically became ours from that date. They fell into our hands as naturally as a ripe apple drops from a tree into the lap of earth; they came into our possession unexpectedly, without aggression or thought of conquest.

The proclamation of Mr. McKinley, dated May 19, 1898, was a broad and clear assumption of sovereignty on our part, justified by the facts, by the Constitution of the United States and by the laws of war and of nations. Not only that but its purpose and spirit were just, liberal and humane.

Upon this branch of the subject, then, it must be plain to everyone who desires to take his stand on the truth and the truth only, that Mr. McKinley and his Cabinet are justly beyond the reach of censure. Their personal honor, so grossly assailed, stands unimpeached, and the charges involving it recoil upon their assailants. Heavy responsibilities were devolved upon them in this matter, but they have been man-

fully met, and in the only way that would have satisfied the people of this country—the sentimentalist and factious opposition excepted. The justice of the war with Spain being granted, our authority over the Philippines came to us legitimately, both by cession and under the law of nations.

That Mr. Bryan believed in the war is a matter of history. I cite Colonel William J. Bryan, the commander of a Mississippi regiment, as my authority. That he believes the United States is the lawful sovereign of the Philippine Islands I cite his letter of acceptance (*ante*, p. 58), which candidly admits that he was in favor of and worked for the ratification of the treaty between Spain and the United States by which these islands were ceded to us.

The side show opened by Aguinaldo, and which drew all of its vitality and nourishment from the American nation, was a premature attempt to anticipate natural conditions—to ripen fruit before it had matured—to build a government without the consent of the real sovereign or the people to be governed.

He was positively and frequently notified of our views, and expressly informed that he would not be recognized either in a civil or military capacity. If he went on with the organization of a dictatorial constitution, after all of these warnings, it cannot add to the strength of his original unfounded title. But these facts show the true character of Aguinaldo, and prove that he was working solely in his own interest and that of his immediate cabal—and not of the people. Give praises to the President and his Cabinet for their wisdom in protecting the people against Aguinaldo, and do not censure them for their great and noble work.

The insurrection which we found in the Philippines, whether slumbering or active, could not be countenanced or permitted without an utter abandonment of self-respect

and of duty. When was it ever before contended that the mere naked existence of an insurrection destroyed at once and *per se* the right of sovereignty?

The situation was anomalous in some of its aspects, and made necessary the delicate consideration which was given to it, affecting as it did not merely our own rights and interests, but the welfare of the Islanders and the interests of foreign communities; but for that very reasons an abandonment of the status was impossible. Such an abandonment would under the circumstances have been a kind of national *felo de se*; more than "infamy" (to borrow Mr. Schurz's favorite word)—it would have been degeneracy.

If "Imperialism" means a sympathy for and a full and hearty endorsement of the acts and events which led up to the acquisition and retention of the Philippine Islands; if it means an approval of the acts of the Administration in opposing the hostilities commenced by Aguinaldo against our government, I am an "Imperialist," outspoken and uncompromising. I am not one of those Republicans whom Mr. Schurz says "are troubled in their consciences about what has been done"; nor do I believe there are any such who have looked fully and fairly into the question; nor do I think Mr. Schurz is a proper authority to diagnose the "consciences" of Republicans. His wish is perhaps largely represented in his expression.

## XI.

Standing  
Armies.

Among other bogies to enforce their party shibboleth the old attempted argument of the evils of a "standing army" is revamped, and Mr. Bryan in his letter of acceptance says:

"If we have an *imperial policy* we must have a large standing army as its natural and necessary complement. \* \* \* \*  
A large standing army is not only a pecuniary burden to the people, and if accompanied by compulsory service *a constant*

*source of irritation, but it is ever a menace to a Republican form of government. The army is the personification of force, and militarism will inevitably change the ideals of the people and turn the thoughts of our young men from the arts of peace to the science of war."*

And the Democratic platform is even more profuse in its condemnation of this supposed evil. In the first place no one has inaugurated an "imperial policy." The Philippine question was not the result of any formed or settled policy; it was the result of an accident of war, fortunate in that it gave us greater and further commercial advantages in our dealings and trade relations with the Far East.

In the next place, I deny that a "standing army" is a menace to a republican form of government, and I am astonished that Mr. Bryan should be so careless of history and so indifferent to the provisions of the Constitution of the United States as to lay down such a proposition. It is pure and open demagogism, because it is directly opposite to the facts.

A "standing army" in a free government, in the sense in which that term is used here and in England, has never been a menace to its institutions.

Let us recur to history to verify this statement. Previous to the reign of William the Third the subject of a "standing army" always excited bitter and acrimonious contest between Parliaments and Kings. The fear of the people grew out of placing the control of such a weapon in the hands of the Executive power alone. But when the revolution of 1688 was finished, it was found that there was no prohibition against a "standing army" in the Bill of Rights but that the whole question was left in the hands of Parliament.

And one of the first acts of the Whig Parliament—the King and Parliament being now in unity after a constitutional monarchy had been firmly established—was the creation of a standing army. Strange comment upon Mr.

Bryan's criticism and of the platform of the Democratic party, that a standing army was born and nurtured in that great cradle of liberty, the revolution of 1688!

Before that plank of the Democratic platform was written and before Mr. Bryan had delivered his acceptance, both history and the Constitution should have been studied. But the Anti-Imperialists do not want the truth—they want words—high-sounding terms—like “Imperialism”—the “Principles of the Declaration of Independence”—“Militarism”—they wish to trap the “German” vote; they regard the voters as idiots and fools who will accept what they say without thought or examination; and thus upon the wings of demagogism they hope to fly into power. And now the “Standing Army” is their “drawing card.”

I invoke a sentence or two from Macaulay (*History of England*, Vol. V., p. 256 *et seq.*) which absolutely grinds this last assumption into a million atoms:

“We have made the discovery that an army may be so constituted as to be in the highest degree efficient against an enemy, and yet obsequious to the civil magistrate. We have long ceased to apprehend danger to law and to freedom from the license of troops and from the ambition of victorious generals. An alarmist who should now talk such language as was common five generations ago, who should call for the entire disbanding of the land-force of the realm, and who should gravely predict that the warriors of Inkerman and Delhi would depose the Queen, dissolve the Parliament, and plunder the Bank, would be regarded as fit only for a cell in Saint Luke's. But before the Revolution our ancestors had known a standing army only as an instrument of lawless power. Judging by their own experience they thought it impossible that such an army should exist without danger to the rights both of the crown and of the people. One class of politicians was never weary of repeating that an Apostolic Church, a loyal gentry, an ancient nobility, a sainted king, had been foully outraged by the Joyces and the Prides; another class recounted the atrocities committed by the Lambs of Kirke, and by the Beelzebubs and Luci-

fers of Dundee; and both classes, agreeing in scarcely anything else, were disposed to agree in aversion to the redcoats."

\* \* \*

"The debate, which recurred every spring on the Mutiny Bill, came to be regarded merely as an occasion on which hopeful young orators fresh from Christchurch were to deliver maiden speeches setting forth how the guards of Pisistratus seized the citadel of Athens, and how the Prætorian cohorts sold the Roman Empire to Didius. At length these declamations became too ridiculous to be repeated. The most old-fashioned, the most eccentric politician, could hardly, in the reign of George the Third, contend that there ought to be no regular soldiers, or that the ordinary law, administered by the ordinary courts, would effectually maintain discipline among such soldiers. All parties being agreed as to the general principle, a long succession of Mutiny Bills passed without any discussion, except when some particular article of the military code appeared to require amendment. It is, perhaps, because the army became thus gradually and almost imperceptibly one of the institutions of England that it has acted in such perfect harmony with all her other institutions, has never once during a hundred and sixty years, been untrue to the throne or disobedient to the law, has never once defied the tribunals or overawed the constituent bodies." (*Macaulay's History of England*, Chap. XI., p. 189) (1689).

Then when we turn to the history of our country we find that the framers of our Constitution had no fear of a "Standing Army," nor had the people who ratified their work. The subject was vividly present to their minds, but they unhesitatingly committed the whole subject to the discretion of Congress, which

"shall have power \* \* \*

12. To raise and support armies \* \* \*

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

16. To provide for organizing, arming and disciplining the militia \* \* \* " etc.

The wisdom of the people in placing this extensive power in the hands of Congress has been amply justified by history, and the assertion that a "standing army" has been or is anywise detrimental to the Republican institutions, or demoralizing to the people of the country, is utterly unsupported by the facts. The truth is far the other way. Of all of the parts of our government a "standing army" has been one of the most successful and commendable.

The distinction between civil and military power has been well defined by our Courts whenever the subject has come before them; and it has been as well preserved here as Mr. Macaulay states it has in England.

The line between civil and military authority is maintained with the greatest nicety, respect and fidelity by American officers and by our soldiers and sailors. We have had no trouble at all with a "Standing Army," neither in whole nor in part. That it is a necessary and essential feature of our Government every one must admit; that its history and record are matters of felicitation and pride no intelligent man can deny. Why, then, go back to a period previous to the reign of William the Third to find arguments against a "Standing Army," and undertake to apply them to existing and essentially different conditions; to drag out of the past old and effete doctrines which can have no applicability to present circumstances? As well may we endeavor to cultivate oranges and figs at the North Pole as to attempt to plant the reasons which the people then had against a "Standing Army" in the soil of our present civilization. Everything is different—everything is changed. "Circumstances alter cases" is a trite but exact maxim. If our institutions and our training are not adequate to sustain all dangers coming from a "Standing Army" we had better abandon them. We are not plants

to thrive by living in a house of glass. A "Standing Army" is more of a necessity to-day than ever before for reasons which will occur to all, among others that it furnishes the nucleus for a greater army if one becomes necessary. In proportion to our population an army of 100,000 would be absolutely innocuous.

We have tried the experiment of armies in this country and they have never given any honest student or lover of our institutions the slightest cause for anxiety or regret. Their record is glorious in war and in peace. If ever the country was tested in this respect it was at the time of the Civil War, when in the North and South it is estimated that four millions of soldiers bore arms. The Union Army alone at the close of the war contained 1,034,064 soldiers. And yet this vast soldiery, as soon as the war finished, "melted down into the body of the people and ceased to show a trace of their existence," as Macaulay says in speaking of the wars of the Commonwealth. What nobler record can be shown than this? Do not such instances disclose the true nature of our soldiery and shed light on the character of our people and our institutions? The attempt on the part of Mr. Bryan to attack the character of the soldiers and sailors of this country and their loyalty to our institutions will recoil upon him and his party.

It was an unfortunate moment when he invaded the armories of past history—long gone by—and undertook to use the old and rusty weapons which he found there to uphold the flimsy and shallow arguments of his party. As the matter is forcibly put by the *Chicago Times-Herald*:

"To-day the man who talks of militarism as an impending danger to the republic as a 'menace to our liberties,' as threatening us with 'a vast military service and conscription,' is a demagogue or a fool, whose knowledge of and faith in the American people could be mobilized on the point of a cambric needle."

And thus vanishes "Imperialism" and its alleged ad-

junet a "Standing Army" before the stern countenance of truth, facts and history.

The only hope of the Anti-Imperialists is that their adherents will do as they have done—not read or study the cold, unerring facts. If they do, the false and shallow doctrines which have been promulgated will disappear like snow before a summer's sun.

The question of "Imperialism," as it relates to these Philippine Islands, has not yet definitely arisen. What the future may bring forth it is too early to forecast. Whether, if the Filipinos should ever become fit for self-government or any well-chosen form of government adapted to their own needs and aspirations, and should then, with something approaching to unanimity, demand a separation from us (thus placing themselves in a situation resembling our own at the time of the Declaration of Independence), that demand should be recognized and under what conditions—then the question so eagerly urged by the Anti-Imperialists will, in fact, have arisen.

The Filipinos have never yet governed themselves—nor have they ever made an attempt for independence against the Spanish domination—as I have shown. To ask them to go through a probative period is not making a great demand either upon their patience or philosophy. In the meantime I see no occasion to fear "Imperialism" considered as an abstract proposition. I am quite prepared to define what it really is, to discuss it in the light of history and experience when the occasion arises. The American people, when they are really awakened to the importance of it, are ready to discuss and deal with any question which affects their vital, political or moral principles or future prosperity and happiness. It is a miserably narrow and mistaken view to ascribe to a government merely selfish ends. A government has an object, as a man has a purpose in his creation. If, in the interest of our own development, and of Christianity and civilization, we are led

into new territorial fields, I hope I am not paying the American people and their institutions an unmerited eulogy when I say that they have the character, intelligence and courage to meet every situation which may occur in their national life.

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“In public speeches,” says Mr. Schurz, “I have again and again challenged the Imperialists to show me in the history of the world a single act of *perfidy* committed by *any republic* more infamous than that which has been committed by President McKinley’s administration against our Filipino allies.”—New York *Herald*, July 14, 1900.

What is “perfidy?” We are told by the lexicographers, legal and others, that it is “*the act of one who has engaged his faith to do a thing and does not do it, but does the contrary.*” Did this Republic engage its faith to Aguinaldo? I have shown that it never did, directly or indirectly, by express or implied engagement; by inference or assumption. Let Mr. Schurz *prove* the “perfidy” and I will then compare the conduct of this *Republic* with that of other *Republics, ancient and modern.*

But I will answer a challenge based upon no evidence by another founded upon fact:

Show me if you can in the history of *any government*—I will not confine you to *Republics*—a more undignified, unmerited, malicious and unfounded attack upon any Administration than that made by you and your associate Anti-Imperialists upon Mr. McKinley and his Cabinet.

NEW YORK, August, 1900.













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